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THE

MISCELLANEOUS WORKS

OF

SIR JAMES MACKINTOSH.

VOL. II.

THE

MISCELLANEOUS WORKS

OF

THE RIGHT HONOURABLE

SIR JAMES MACKINTOSH.

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IN THREE VOLUMES.

VOL. II

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CONTENTS

OF

THE SECOND VOLUME.

	Page
Review of the Causes of the Revolution of 1688 -	1
An Account of the Partition of Poland - - -	337
Sketch of the Administration and Fall of Struensee -	393
Statement of the Case of Donna Maria da Gloria, as a Claimant to the Crown of Portugal - - -	416
Character of Charles, First Marquis Cornwallis - -	446
Character of the Right Honourable George Canning -	455
Preface to a Reprint of the Edinburgh Review of 1755 -	466
On the Writings of Machiavel - - - -	476
Review of Mr. Godwin's Lives of Edward and John Philips, &c. &c. - - - - -	487
Review of Rogers's Poems - - - -	503
Review of Madame de Staël's "De L'Allemagne" -	521
Discourse read at the Opening of the Literary Society of Bombay - - - - - -	552

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REVIEW OF THE CAUSES

OF

THE REVOLUTION OF 1688.

CHAPTER I.

GENERAL STATE OF AFFAIRS AT HOME—ABROAD.—CHARACTERS OF THE MINISTRY. — SUNDERLAND. — ROCHESTER. — HALIFAX. — GODOLPHIN. — JEFFREYS. — FEVERSHAM — HIS CONDUCT AFTER THE VICTORY OF SEDGEMOOR. — KIRKE. — JUDICIAL PROCEEDINGS IN THE WEST. — TRIALS OF MRS. LISLE. — BEHAVIOUR OF THE KING.—TRIAL OF MRS. GAUNT AND OTHERS. — CASE OF HAMPDEN. — PRIDEAUX. — LORD BRANDON. — DELAMERE.

THOUGH a struggle with calamity strengthens and elevates the mind, the necessity of passive submission to long adversity is rather likely to weaken and subdue it: great misfortunes disturb the understanding perhaps as much as great success: and extraordinary vicissitudes often produce the opposite vices of rashness and fearfulness by inspiring a disposition to trust too much to fortune, and to yield to it too soon. Few men experienced more sudden changes of fortune than James II.; but it was unfortunate for his character that he never owed his prosperity, and not always his adversity, to himself. The affairs of his family seemed to be at the lowest ebb a few months before their triumphant restoration. Four years before the death of his brother, it appeared probable that he would be excluded from the succession to the crown; and his friends seemed to have no other

means of averting that doom, than by proposing such limitations of the royal prerogative as would have reduced the government to a merely nominal monarchy. But the dissolution by which Charles had safely and successfully punished the independence of his last Parliament, the destruction of some of his most formidable opponents, and the general discouragement of their adherents, paved the way for his peaceable, and even popular, succession; the defeat of the revolts of Monmouth and Argyle appeared to have fixed his throne on immoveable foundations; and he was then placed in circumstances more favourable than those of any of his predecessors to the extension of his power, or, if such had been his purpose, to the undisturbed exercise of his constitutional authority. The friends of liberty, dispirited by events which all, in a greater or less degree, brought discredit upon their cause, were confounded with unsuccessful conspirators and defeated rebels: they seemed to be at the mercy of a prince, who, with reason, considered them as the irreconcileable enemies of his designs. The zealous partisans of monarchy believed themselves on the eve of reaping the fruits of a contest of fifty years' duration, under a monarch of mature experience, of tried personal courage, who possessed a knowledge of men, and a capacity as well as an inclination for business; whose constancy, intrepidity, and sternness were likely to establish their political principles; and from whose prudence, as well as gratitude and good faith, they were willing to hope that he would not disturb the security of their religion. The turbulence of the preceding times had more than usually disposed men of pacific temper to support an established government. The multitude, pleased with a new reign, generally disposed to admire vigour and to look with complacency on success, showed many symptoms of that propensity which is natural to them, or rather to mankind,—to carry their applauses to the side of fortune, and to imbibe

the warmest passions of a victorious party. The strength of the Tories in a Parliament assembled in such a temper of the nation, was aided by a numerous reinforcement of members of low condition and subservient character, whom the forfeiture of the charters of towns enabled the Court to pour into the House of Commons.* In Scotland the prevalent party had ruled with such barbarity that the absolute power of the King seemed to be their only shield against the resentment of their countrymen. The Irish nation, devotedly attached to a sovereign of their own oppressed religion, offered inexhaustible means of forming a brave and enthusiastic army, ready to quell revolts in every part of his dominions. His revenue was ampler than that of any former King of England: a disciplined army of about twenty thousand men was, for the first time, established during peace in this island; and a formidable fleet was a more than ordinarily powerful weapon in the hands of a prince whose skill and valour in maritime war had endeared him to the seamen, and recommended him to the people.

The condition of foreign affairs was equally favourable to the King. Louis XIV. had, at that moment, reached the zenith of his greatness; his army was larger and better than any which had been known in Europe since the vigorous age of the Roman empire; his marine enabled him soon after to cope with the combined forces of the only two maritime powers; he had enlarged his dominions, strengthened his frontiers, and daily meditated new conquests: men of genius applauded his munificence, and even some men of virtue contributed to the glory of his reign. This

* "Clerks and gentlemen's servants." Evelyn, Memoirs, vol. i. p. 558. The Earl of Bath carried fifteen of the new charters with him into Cornwall, from which he was called the "Prince Elector." "There are not 135 in this House who sat in the last," p. 562. By the lists in the Parliamentary History they appear to be only 128.

potent monarch was bound to James by closer ties than those of treaty,—by kindred, by religion, by similar principles of government, by the importance of each to the success of the designs of the other; and he was ready to supply the pecuniary aid required by the English monarch, on condition that James should not subject himself to the control of his Parliament, but should acquiesce in the schemes of France against her neighbours. On the other hand, the feeble Government of Spain was no longer able to defend her unwieldy empire; while the German branch of the Austrian family had, by their intolerance, driven Hungary into revolt, and thus opened the way for the Ottoman armies twice to besiege Vienna. Venice, the last of the Italian states which retained a national character, took no longer any part in the contests of Europe, content with the feeble lustre which conquests from Turkey shed over the evening of her greatness. The kingdoms of the North were confined within their own subordinate system: Russia was not numbered among civilised nations: and the Germanic states were still divided between their fears from the ambition of France, and their attachment to her for having preserved them from the yoke of Austria. Though a powerful party in Holland was still attached to France, there remained, on the Continent, no security against the ambition of Louis,—no hope for the liberties of mankind but the power of that great republic, animated by the unconquerable soul of the Prince of Orange. All those nations, of both religions, who trembled at the progress of France, turned their eyes towards James, and courted his alliance, in hopes that he might still be detached from his connection with Louis, and that England might resume her ancient and noble station, as the guardian of the independence of nations. Could he have varied his policy, that bright career was still open to him: he, or rather a man of genius and magnanimity in his situation, might have rivalled

the renown of Elizabeth, and anticipated the glories of Marlborough. He was courted or dreaded by all Europe. Who could, then, have presumed to foretel that this great monarch, in the short space of four years, would be compelled to relinquish his throne, and to fly from his country, without a struggle and almost without disturbance, by the mere result of his own system of measures, which, unwise and unrighteous as it was, seemed in every instance to be crowned with success till the very moment of its overthrow!

The ability of his ministers might have been considered as among the happy parts of his fortune. It was a little before this time that the meetings of such ministers began to be generally known by the modern name of the "Cabinet Council."* The Privy Council had been originally a selection of a similar nature; but when seats in that body began to be given or left to those who did not enjoy the King's confidence, and it became too numerous for secrecy or despatch, a committee of its number, which is now called the "Cabinet Council," was intrusted with the direction of confidential affairs, leaving to the body at large business of a judicial or formal nature,—to the greater part of its members an honourable distinction instead of an office of trust. The members of the Cabinet Council were then, as they still are, chosen from the Privy Council by the King, without any legal nomination, and generally consisted of the ministers at the head of the principal departments of public affairs. A short account of the character of the members of the Cabinet will illustrate the events of the reign of James II.

Robert Spencer, Earl of Sunderland, who soon acquired the chief ascendancy in this administration, entered on public life with all the external advantages of birth and fortune. His father had fallen in the royal army at the battle of Newbury, with those

* North, Life of Lord Keeper Guildford, p. 218.

melancholy forebodings of danger from the victory of his own party which filled the breasts of the more generous royalists, and which, on the same occasion, saddened the dying moments of Lord Falkland. His mother was Lady Dorothy Sidney, celebrated by Waller under the name of Sacharissa. He was early employed in diplomatic missions, where he acquired the political knowledge, insinuating address, and polished manners, which are learnt in that school, together with the subtlety, dissimulation, flexibility of principle, indifference on questions of constitutional policy, and impatience of the restraints of popular government, which have been sometimes contracted by English ambassadors in the course of a long intercourse with the ministers of absolute princes. A faint and superficial preference of the general principles of civil liberty was blended in a manner not altogether unusual with his diplomatic vices. He seems to have secured the support of the Duchess of Portsmouth to the administration formed by the advice of Sir William Temple, and to have then also gained for himself the confidence of that incomparable person, who possessed all the honest arts of a negotiator.* He gave an early earnest of the inconstancy of an over-refined character by fluctuating between the exclusion of the Duke of York and the limitations of the royal prerogative. He was removed from the administration for his vote on the Exclusion Bill; but the love of office soon prevailed over his feeble spirit of independence, and he made his peace with the Court through the Duke of York, who had long been well disposed to him†, and of the Duchess of Portsmouth, who found no difficulty in reconciling the King to a polished as well as pliant courtier, an accomplished negotiator, and a minister more versed in foreign affairs than any of his

* Temple, Memoirs, &c. part iii.

† "Lord Sunderland knows I have always been very kind to him." Duke of York to Mr. Legge, 23rd July, 1679. Legge MSS.

colleagues.* Negligence and profusion bound him to office by stronger though coarser ties than those of ambition: he lived in an age when a delicate purity in pecuniary matters had not begun to have a general influence on statesmen, and when a sense of personal honour, growing out of long habits of co-operation and friendship had not yet contributed to secure them against political inconstancy. He was one of the most distinguished of a species of men who perform a part more important than noble in great events; who, by powerful talents, captivating manners, and accommodating opinions,—by a quick discernment of critical moments in the rise and fall of parties,—by not deserting a cause till the instant before it is universally discovered to be desperate, and by a command of expedients and connections which render them valuable to every new possessor of power, find means to cling to office or to recover it, and who, though they are the natural offspring of quiet and refinement, often creep through stormy revolutions without being crushed. Like the best and most prudent of his class, he appears not to have betrayed the secrets of the friends whom he abandoned, and never to have complied with more evil than was necessary to keep his power. His temper was without rancour; and he must be acquitted of prompting, or even preferring the cruel acts which were perpetrated under his administration. Deep designs and premeditated treachery were irreconcilable both with his indolence and his impetuosity; and there is some reason to believe, that in the midst of total indifference about religious opinions, he retained to the end some degree of that preference for civil liberty which he might have derived from the example of his ancestors, and the sentiments of some of his early connections.

* Some of Lord Sunderland's competitors in this province were not formidable. His successor, Lord Conway, when a foreign minister spoke to him of the Circles of the Empire, said "he wondered what circles should have to do with politics."

Lawrence Hyde, Earl of Rochester, the younger son of the Earl of Clarendon, was Lord Sunderland's most formidable competitor for the chief direction of public affairs. He owed this importance rather to his position and connections than to his abilities, which, however, were by no means contemptible. He was the undisputed leader of the Tory party, to whose highest principles in Church and State he showed a constant, and probably a conscientious attachment. He had adhered to James in every variety of fortune, and was the uncle of the Princesses Mary and Ann, who seemed likely in succession to inherit the crown. He was a fluent speaker, and appears to have possessed some part of his father's talents as a writer. He was deemed sincere and upright; and his private life was not stained by any vice, except violent paroxysms of anger, and an excessive indulgence in wine, then scarcely deemed a fault. "His infirmities," says one of the most zealous adherents of his party, "were passion, in which he would swear like a cutter, and the indulging himself in wine. But his party was that of the Church of England, of whom he had the honour, for many years, to be accounted the head."* The impetuosity of his temper concurred with his opinions on government in prompting him to rigorous measures. He disdained the forms and details of business; and it was his maxim to prefer only Tories, without regard to their qualifications for office. "Do you not think," said he to Lord Keeper Guildford, "that I could understand any business in England in a month?" "Yes, my lord," answered the Lord Keeper, "but I believe you would understand it better in two months." Even his personal defects and unreasonable maxims were calculated to attach adherents to him as a chief; and he was well qualified to be the leader of a party ready to support all the pretensions of any king who spared the Protestant establishment.

* North, p. 230.

Sir George Saville, created Marquis of Halifax by Charles II., claims the attention of the historian rather by his brilliant genius, by the singularity of his character, and by the great part which he acted in the events which preceded and followed, than by his political importance during the short period in which he held office under James. In his youth he appears to have combined the opinions of a republican* with the most refined talents of a polished courtier. The fragments of his writing which remain show such poignant and easy wit, such lively sense, so much insight into character, and so delicate an observation of manners, as could hardly have been surpassed by any of his contemporaries at Versailles. His political speculations being soon found incapable of being reduced to practice, melted away in the sunshine of royal favour: the disappointment of visionary hopes led him to despair of great improvements, to despise the moderate services which an individual may render to the community, and to turn with disgust from public principles to the indulgence of his own vanity and ambition. The dread of his powers of ridicule contributed to force him into office†, and the attractions of his lively and somewhat libertine conversation were among the means by which he maintained his ground with Charles II.; of whom it was said by Dryden, that "whatever his favourites of state might be, yet those of his affection were men of wit."‡ Though we have no remains of his speeches, we cannot doubt the eloquence of him who, on the Exclusion Bill, fought the battle of the Court against so great an orator as Shaftesbury.§ Of these various means

* "I have long looked upon Lord Halifax and Lord Essex as men who did not love monarchy, such as it is in England." Duke of York to Mr. Legge, *suprà*.

† Temple, Memoirs, part iii.

‡ Dedication to King Arthur.

§ "Jotham, of piercing wit and pregnant thought,
Endued by nature and by learning taught

of advancement, he availed himself for a time with little scruple and with some success. But he never obtained an importance which bore any proportion to his great abilities;—a failure which, in the time of Charles II., may be in part ascribed to the remains of his opinions, but which, from its subsequent recurrence, must be still more imputed to the defects of his character. He had a stronger passion for praise than for power, and loved the display of talent more than the possession of authority. The unbridled exercise of wit exposed him to lasting animosities, and threw a shade of levity over his character. He was too acute in discovering difficulties,—too ingenious in devising objections. He had too keen a perception of human weakness and folly not to find many pretexts and temptations for changing his measures, and deserting his connections. The subtlety of his genius tempted him to projects too refined to be understood or supported by numerous bodies of men. His appetite for praise, when sated by the admiration of his friends, was too apt to seek a new and more stimulating gratification in the applauses of his opponents. His weaknesses and even his talents contributed to betray him into inconstancy; which, if not the worst quality of a statesman, is the most fatal to his permanent importance. For one short period, indeed, the circumstances of his situation suited the peculiarities of his genius. In the last years of Charles his refined policy had found full scope in the arts of balancing factions, of occasionally leaning to the vanquished, and always tempering the triumph of the victorious party, by which that monarch then consulted the repose of his declining years. Perhaps he

> To move assemblies; who but only tried
> The worse awhile, then chose the better side;
> Nor chose alone, but turned the balance too."
> *Absalom and Achitophel.*

Lord Halifax says, "Mr. Dryden told me that he was offered money to write against me." Fox MSS.

satisfied himself with the reflection, that his compliance with all the evil which was then done was necessary to enable him to save his country from the arbitrary and bigoted faction which was eager to rule it. We know from the evidence of the excellent Tillotson*, that Lord Halifax "showed a compassionate concern for Lord Russell, and all the readiness to save him that could be wished;" and that Lord Russell desired Tillotson "to give thanks to Lord Halifax for his humanity and kindness:" and there is some reason to think that his intercession might have been successful, if the delicate honour of Lord Russell had not refused to second their exertions, by softening his language on the lawfulness of resistance, a shade more than scrupulous sincerity would warrant.† He seems unintentionally to have contributed to the death of Sidney‡, by having procured a sort of confession from Monmouth, in order to reconcile him to his father, and to balance the influence of the Duke of York, by Charles's partiality for his son. The compliances and refinements of that period pursued him with, perhaps, too just a retribution during the remainder of his life. James was impatient to be rid of him who had checked his influence during the last years of his brother; and the friends of liberty could never place any lasting trust in the man who remained a member of the Government which put to death Russell and Sidney.

The part performed by Lord Godolphin at this time was not so considerable as to require a full ac-

* Lords' Journals, 20th Dec. 1689. The Duchess of Portsmouth said to Lord Montague, "that if others had been as earnest as my Lord Halifax with the King, Lord Russell might have been saved." Fox MSS. Other allusions in these MSS., which I ascribe to Lord Halifax, show that his whole fault was a continuance in office after the failure of his efforts to save Lord Russell.

† Life of Lord Russell, by Lord John Russell, p. 215.

‡ Evidence of Mr. Hampden and Sir James Forbes. Lords' Journals, 20th Dec. 1689.

count of his character. He was a gentleman of ancient family in Cornwall, distinguished by the accomplishments of some of its members, and by their sufferings in the royal cause during the civil war. He held offices at court before he was employed in the service of the State, and he always retained the wary and conciliating manners, as well as the profuse dissipation of his original school. Though a royalist and a courtier he voted for the Exclusion Bill. At the accession of James, he was not considered as favourable to absolute dependence on France, nor to the system of governing without Parliaments. But though a member of the Cabinet, he was, during the whole of this reign, rather a public officer, who confined himself to his own department, than a minister who took a part in the direction of the State.* The habit of continuing some officers in place under successive administrations, for the convenience of business, then extended to higher persons than it has usually comprehended in more recent times.

James had, soon after his accession, introduced into the Cabinet Sir George Jeffreys, Lord Chief Justice of England †, a person whose office did not usually lead to that station, and whose elevation to unusual honour and trust is characteristic of the Government which he served. His origin was obscure, his education scanty, his acquirements no more than what his vigorous understanding gathered in the course of business, his professional practice low, and chiefly obtained from the companions of his vulgar excesses, whom he captivated by that gross buffoonery which

* "Milord Godolphin, quoiqu'il est du secret, n'a pas grand credit, et songe seulement à se conserver par une conduite sage et moderée. Je ne pense pas que s'il en étoit cru, on prit des liaisons avec V. M. qui pussent aller à se passer entièrement de parlement, et à rompre nettement avec le Prince d'Orange." Barillon to the King, 16th April, 1685. Fox, History of James II., app. lx.

† North, p. 234. (After the Northern Circuit, 1684,—in our computation, 1685.)

accompanied him to the most exalted stations. But his powers of mind were extraordinary; his elocution was flowing and spirited; and, after his highest preferment, in the few instances where he preserved temper and decency, the native vigour of his intellect shone forth in his judgments, and threw a transient dignity over the coarseness of his deportment. He first attracted notice by turbulence in the petty contests of the Corporation of London; and having found a way to Court through some of those who ministered to the pleasures of the King, as well as to the more ignominious of his political intrigues, he made his value known by contributing to destroy the charter of the capital of which he had been the chief law officer. His services as a counsel in the trial of Russell, and as a judge in that of Sidney, proved still more acceptable to his masters. On the former occasion, he caused a person who had collected evidence for the defence to be turned out of court, for making private suggestions,—probably important to the ends of justice,—to Lady Russell, while she was engaged in her affecting duty.* The same brutal insolence shown in the trial of Sidney, was, perhaps, thought the more worthy of reward, because it was foiled by the calm heroism of that great man. The union of a powerful understanding with boisterous violence and the basest subserviency singularly fitted him to be the tool of a tyrant. He wanted, indeed, the aid of hypocrisy, but he was free from its restraints. He had that reputation for boldness which many men preserve, as long as they are personally safe, by violence in their counsels and in their language. If he at last feared danger, he never feared shame, which much more frequently restrains the powerful. Perhaps the unbridled fury of his temper enabled him to threaten and intimidate with more effect than a man of equal wickedness,

* Examination of John Tisard. Lords' Journals, 20th Dec. 1690.

with a cooler character. His religion, which seems to have consisted in hatred to Nonconformists, did not hinder him from profaneness. His native fierceness was daily inflamed by debauchery; his excesses were too gross and outrageous for the decency of historical relation*; and his court was a continual scene of scurrilous invective, from which none were exempted but his superiors. A contemporary, of amiable disposition and Tory principles, who knew him well, sums up his character in a few words—"he was by nature cruel, and a slave of the Court."†

It was after the defeat of Monmouth that James gave free scope to his policy, and began that system of measures which characterises his reign. Though Feversham was, in the common intercourse of life, a good-natured man, his victory at Sedgemoor was immediately followed by some of those acts of military licence which usually disgrace the suppression of a revolt, when there is no longer any dread of retaliation,—when the conqueror sees a rebel in every inhabitant, and considers destruction by the sword as only anticipating legal execution, and when he is generally well assured, if not positively instructed, that he can do nothing more acceptable to his superiors than to spread a deep impression of terror through a disaffected province. A thousand were slain in a pursuit of a small body of insurgents for a few miles. Feversham marched into Bridgewater on the morning after the battle (July 7th), with a considerable number tied together like slaves; of

* See the account of his behaviour at a ball in the city, soon after Sidney's condemnation; Evelyn, vol. i. p. 531.; and at the dinner at Duncombe's, a rich citizen, where the Lord Chancellor (Jeffreys) and the Lord Treasurer (Rochester) were with difficulty prevented from appearing naked in a balcony, to drink loyal toasts, Reresby, Memoirs, p. 231., and of his "flaming" drunkenness at the Privy Council, when the King was present. North, p. 250.

† Evelyn, vol. i. p. 579.

whom twenty-two were hanged by his orders on a sign-post by the road-side, and on gibbets which he caused to be erected for the occasion. One of them was a wounded officer, named Adlam, who was already in the agonies of death. Four were hanged in chains, with a deliberate imitation of the barbarities of regular law. One miserable wretch, to whom life had been promised on condition of his keeping pace for half a mile with a horse at full speed (to which he was fastened by a rope which went round his neck), was executed in spite of his performance of the feat. Feversham was proceeding thus towards disarmed enemies, to whom he had granted quarter, when Ken, the bishop of the diocese, a zealous royalist, had the courage to rush into the midst of this military execution, calling out, "My Lord, this is murder in law. These poor wretches, now the battle is over, must be tried before they can be put to death."* The interposition of this excellent prelate, however, only suspended the cruelties of the conquerors. Feversham was called to court to receive the thanks and honours due to his services.

Kirke, whom he was directed to leave with detachments at Bridgewater and Taunton †, imitated, if he did not surpass, the lawless violence of his commander. When he entered the latter town, on the third day after the battle, he put to death at least nine of his prisoners, with so little sense of impropriety or dread of disapprobation, that they were entered by name as executed for high treason in the parish register of their interment. ‡ Of the other excesses of Kirke we

* For the principal part of the enormities of Feversham we have the singular advantage of the testimony of two eye-witnesses, —an officer in the royal army, Kennet, History of England, vol. iii. p. 432., and Oldmixon, History of England, vol. i. p. 704. See also Locke's Western Rebellion.

† Lord Sunderland's letter to Lord Feversham, 8th July. State Paper Office.

‡ Toulmin's Taunton, by Savage, p. 522., where, after a period

have no satisfactory account. The experience of like cases, however, renders the tradition not improbable, that these acts of lawless violence were accompanied by the insults and mockeries of military debauchery. The nature of the service in which the detachment was principally engaged, required more than common virtue in a commander to contain the passions of the soldiery. It was his principal duty to search for rebels. He was urged to the performance of this odious task by malicious or mercenary informers. The friendship, or compassion, or political zeal of the inhabitants, was active in favouring escapes, so that a constant and cruel struggle subsisted between the soldiers and the people abetting the fugitives.* Kirke's regiment, when in garrison at Tangier, had had the figure of a lamb painted on their colours, as a badge of their warfare against the enemies of the Christian name. The people of Somersetshire, when they saw those who thus bore the symbols of meekness and benevolence engaged in the performance of such a task, vented the bitterness of their hearts against the soldiers, by giving them the ironical name of Kirke's "lambs." The unspeakable atrocity imputed to him, of putting to death a person whose life he had promised to a young woman, as the price of compliance with his desires, it is due to the honour of human nature to disbelieve, until more satisfactory evidence be produced than that on which it has hitherto rested.† He followed the example of mi-

of near 140 years, the authentic evidence of this fact is for the first time published, together with other important particulars of Monmouth's revolt, and of the military and judicial cruelties which followed it. These nine are by some writers swelled to nineteen, probably from confounding them with that number executed at Taunton by virtue of Jeffreys's judgments. The number of ninety mentioned on this occasion by others seems to be altogether an exaggeration.

* Kirke to Lord Sunderland. Taunton, 12th Aug. State Paper Office.

† This story is told neither by Oldmixon nor Burnet, nor by

nisters and magistrates in selling pardons to the prisoners in his district; which, though as illegal as his executions, enabled many to escape from the barbarities which were to come. Base as this traffic was, it would naturally lead him to threaten more evil that he inflicted. It deserves to be remarked, that, five years after his command at Taunton, the inhabitants of that place gave an entertainment, at the public expense, to celebrate his success. This fact seems to countenance a suspicion that we ought to attribute more to the nature of the service in which he was engaged than to any pre-eminence in criminality, the peculiar odium which has fallen on his name, to the exclusion of other officers, whose excesses appear to have been greater, and are certainly more satisfactorily attested. But whatever opinion may be formed of the degree of Kirke's guilt, it is certain that he was rather countenanced than discouraged by the Government. His illegal executions were early notorious in London.* The good Bishop Ken, who then corresponded with the King himself, on the sufferings of his diocese †, could not fail to remonstrate against those excesses, which he had so

the humble writers of the Bloody Assizes or the Quadriennium Jacobi. Echard and Kennet, who wrote long after, mentioned it only as a report. It first appeared in print in 1699, in Pomfret's poem of Cruelty and Lust. The next mention is in the anonymous Life of William III., published in 1702. A story very similar is told by St. Augustine of a Roman officer, and in the Spectator, No. 491., of a governor of Zealand, probably from a Dutch chronicle or legend. The scene is laid by some at Taunton, by others at Exeter. The person executed is said by some to be the father, by others to be the husband, and by others again to be the brother of the unhappy young woman, whose name it has been found impossible to ascertain, or even plausibly to conjecture. The tradition, which is still said to prevail at Taunton, may well have originated in a publication of 120 years old.

* Narcissus Luttrell, MS. Diary, 15th July; six days after their occurrence.

† Ken's examination before the Privy Council, in 1696. Biographia Britannica, Article Ken.

generously interposed to prevent; and if the accounts of the remonstrances of Lord Keeper Guildford, against the excesses of the West, have any foundation *, they must have related exclusively to the enormities of the soldiery, for the Lord Keeper died at the very opening of Jeffreys's circuit. Yet, with this knowledge, Lord Sunderland instructed Kirke "to secure such of his prisoners as had not been executed, in order to trial †," at a time when there had been no legal proceedings, and when all the executions to which he adverts, without disapprobation, must have been contrary to law. Seven days after, Sunderland informed Kirke that his letter had been communicated to the King, "who was very well satisfied with the proceedings." ‡ In subsequent despatches §, he censures Kirke for setting some rebels at liberty (alluding, doubtless, to those who had purchased their lives); but he does not censure that officer for having put others to death. Were it not for these proofs that the King knew the acts of Kirke, and that his Government officially sanctioned them, no credit would be due to the declarations afterwards made by such a man, that his severities fell short of the orders which he had received. ‖ Nor is this the only circumstance which connects the Government with these enormities. On the 10th of August, Kirke was ordered to come to court to give information on the state of the West. His regiment was soon afterwards removed; and he does not appear to have been employed there during the remainder of that season. ¶

* North, p. 260. This inaccurate writer refers the complaint to Jeffreys's proceedings, which is impossible, since Lord Guildford died in Oxfordshire, on the 5th September, after a long illness. Lady Lisle was executed on the 3d; and her execution, the only one which preceded the death of the Lord Keeper, could scarcely have reached him in his dying moments.

† 14th July. State Paper Office.

‡ 21st July. Ibid.

§ 25th and 28th July, and 3d August. State Paper Office.

‖ Oldmixon, vol. i. p. 705.

¶ Papers in the War Office. MS.

Colonel Trelawney succeeded; but so little was Kirke's conduct thought to be blameable, that on the 1st of September three persons were executed illegally at Taunton for rebellion, the nature and reason of their death being openly avowed in the register of their interment.* In military executions, however atrocious, some allowance must be made for the passions of an exasperated soldiery, and for the habits of officers accustomed to summary and irregular acts, who have not been taught by experience that the ends of justice cannot be attained otherwise than by the observance of the rules of law.† The lawless violence of an army forms no precedent for the ordinary administration of public affairs; and the historian is bound to relate with diffidence events which are generally attended with confusion and obscurity, which are exaggerated by the just resentment of an oppressed party, and where we can seldom be guided by the authentic evidence of records. Neither the conduct of a Government which approves these excesses, however, nor that of judges who imitate or surpass them, allows of such extenuations or requires such caution in relating and characterising facts. The judicial proceedings which immediately followed these military atrocities may be related with more confidence, and must be treated with the utmost rigour of historical justice.

The commencement of proceedings on the Western Circuit, which comprehends the whole scene of Mon-

* Savage, p. 525.

† Two years after the suppression of the Western revolt, we find Kirke treated with favour by the King. "Colonel Kirke is made housekeeper of Whitehall, in the room of his *kinsman*, deceased." Narcissus Luttrell, Sept. 1687. He was nearly related to, or perhaps the son of George Kirke, groom of the bedchamber to Charles I., one of whose beautiful daughters, Mary, a maid of honour, was the Warmestré of Count Hamilton (Notes to Mémoires de Grammont), and the other, Diana, was the wife of the last Earl of Oxford, of the house of De Vere. Dugdale's Baronage, tit. Oxford.

mouth's operations, was postponed till the other assizes were concluded, in order that four judges, who were joined with Jeffreys in the commission, might be at liberty to attend him.* An order was also issued to all officers in the West, "to furnish such parties of horse and foot, as might be required by the Lord Chief Justice on his circuit, for securing prisoners, and to perform that service in such manner as he should direct."† After these unusual and alarming preparations, Jeffreys began his circuit at Winchester, on the 27th of August, by the trial of Mrs. Alicia Lisle, who was charged with having sheltered in her house, for one night, two fugitives from Monmouth's routed army,—an office of humanity which then was and still is treated as high treason by the law of England. This lady, though unaided by counsel, so deaf that she could very imperfectly hear the evidence, and occasionally overpowered by those lethargic slumbers which are incident to advanced age, defended herself with a coolness which formed a striking contrast to the deportment of her judge.‡ The principal witness, a man who had been sent to her to implore shelter for one Hickes, and who guided him and Nelthorpe to her house, betrayed a natural repugnance to disclose facts likely to affect a life which he had innocently contributed to endanger. Jeffreys, at the suggestion of the counsel for the Crown, took upon himself the examination of this unwilling witness, and conducted it with an union of artifice, menace, and invective, which no well-regulated tribunal would suffer in the advocate of a prisoner, when examining the witness

* Lord Chief Baron Montague, Levison, Watkins, and Wright, of whom the three former sat on the subsequent trials of Mr. Cornish and Mrs. Gaunt.

† This order was dated on the 24th. August, 1685. Papers in the War Office. From this circumstance originated the story, that Jeffreys had a commission as Commander-in-Chief.

‡ State Trials, vol. xi. p. 298.

produced by the accuser. With solemn appeals to Heaven for his own pure intentions, he began in the language of candour and gentleness to adjure the witness to discover all that he knew. His nature, however, often threw off this disguise, and broke out into the ribaldry and scurrility of his accustomed style. The Judge and three counsel poured in questions upon the poor rustic in rapid succession. Jeffreys said that he treasured up vengeance for such men, and added, "It is infinite mercy that for those falsehoods of thine, God does not immediately strike thee into hell." Wearied, overawed, and overwhelmed by such an examination, the witness at length admitted some facts which afforded reason to suspect, rather than to believe, that the unfortunate lady knew the men whom she succoured to be fugitives from Monmouth's army. She said, in her defence, that she knew Mr. Hickes to be a Presbyterian minister, and thought he absconded because there were warrants out against him on that account. All the precautions for concealment which were urged as proofs of her intentional breach of law were reconcileable with this defence. Orders had been issued at the beginning of the revolt to seize all "disaffected and suspicious persons, especially all Nonconformist ministers*;" and Jeffreys himself unwittingly strengthened her case by declaring his conviction, that all Presbyterians had a hand in the rebellion. He did not go through the formality of repeating so probable a defence to the jury. They however hesitated: they asked the Chief Justice, whether it were as much treason to receive Hickes before as after conviction? He told them that it was, which was literally true; but he wilfully concealed from them that by the law, such as it was, the receiver of a traitor could not be brought to trial till the principal

* Despatch from Lord Sunderland to Lord-Lieutenants of Counties. 20th June, 1685.

traitor had been convicted or outlawed;—a provision, indeed, so manifestly necessary to justice, that without the observance of it Hickes might be acquitted of treason after Mrs. Lisle had been executed for harbouring him as a traitor.* Four judges looked silently on this suppression of truth, which produced the same effect with positive falsehood, and allowed the limits of a barbarous law to be overpassed, in order to destroy an aged woman for an act of charity. The jury retired, and remained so long in deliberation, as to provoke the wrath of the Chief Justice. When they returned into court, they expressed their doubt, whether the prisoner knew that Hickes had been in Monmouth's army: the Chief Justice assured them that the proof was complete. Three times they repeated their doubt: the Chief Justice as often reiterated his declaration with growing impatience and rage. At this critical moment of the last appeal of the jury to the Court, the defenceless female at the bar made an effort to speak. Jeffreys, taking advantage of formalities, instantly silenced her, and the jury were at length overawed into a verdict of "guilty." He then broke out into a needless insult to the strongest affections of nature, saying to the jury, "Gentlemen, had I been among you, and if she had been my own mother, I should have found her guilty." On the next morning, when he had to pronounce sentence of death, he could not even then abstain from invectives against Presbyterians, of whom he supposed Mrs. Lisle to be one; yet, mixing artifice with his fury, he tried to lure her into discoveries, by ambiguous phrases, which might excite her hopes of life without pledging him to obtain pardon. He directed that she should be burnt alive in the afternoon of the same day; but the clergy of the cathedral of Winchester successfully interceded

* Hale, Pleas of the Crown, part i. c. 22. Foster, Discourse on Accomplices, chap. 1.

for an interval of three days. This interval gave time for an application to the King; and that application was made by persons, and with circumstances, which must have strongly called his attention to the case. Mrs. Lisle was the widow of Mr. Lisle, who was one of the judges of Charles the First; and this circumstance, which excited a prejudice against her, served in its consequences to show that she had powerful claims on the lenity of the King. Lady St. John and Lady Abergavenny wrote a letter to Lord Clarendon, then Privy Seal, which he read to the King, bearing testimony, "that she had been a favourer of the King's friends in their greatest extremities during the late civil war," and, among others, of these ladies themselves; and on these grounds, as well as for general loyalty, earnestly recommending her to pardon. Her son had served in the King's army against Monmouth: she often had declared that she shed more tears than any woman in England on the day of the death of Charles the First; and after the attainder of Mr. Lisle, his estate was granted to her at the intercession of Lord Chancellor Clarendon, for her excellent conduct during the prevalence of her husband's party. Lord Feversham, also, who had been promised a thousand pounds for her pardon, used his influence to obtain it. But the King declared that he would not reprieve her for one day. It is said, that he endeavoured to justify himself, by alleging a promise to Jeffreys that Mrs. Lisle should not be spared;—a fact which, if true, shows the conduct of James to have been as deliberate as it seems to be, and that the severities of the circuit arose from a previous concert between him and Jeffreys. On the following day the case was again brought before him by a petition from Mrs. Lisle, praying that her punishment might be changed into beheading, in consideration of her ancient and honourable descent. After a careful search for precedents, the mind of James was once more called to the fate of the prisoner

by the signature of a warrant to authorise the infliction of the mitigated punishment. This venerable matron accordingly suffered death on the 2nd of September, supported by that piety which had been the guide of her life. Her understanding was so undisturbed, that she clearly instanced the points in which she had been wronged. No resentment troubled the composure of her dying moments; and she carried her religious principles of allegiance and forgiveness so far, as to pray on the scaffold for the prosperity of a prince from whom she had experienced neither mercy, gratitude, nor justice. The trial of Mrs. Lisle is a sufficient specimen of the proceedings of this circuit. When such was the conduct of the judges in a single trial of a lady of distinction for such an offence, with a jury not regardless of justice, where there was full leisure for the consideration of every question of fact and law, and where every circumstance was made known to the Government and the public, it is easy to imagine what the demeanour of the same tribunal must have been in the trials of several hundred insurgents of humble condition, crowded into so short a time that the wisest and most upright judges could hardly have distinguished the innocent from the guilty.*

* By the favour of the clerk of assize, I have before me many of the original records of this circuit. The account of it by Lord Lonsdale was written in 1688. The Bloody Assizes, and the Life of Jeffreys, were published in 1689. They were written by one Shirley, a compiler, and by Pitts, a surgeon in Monmouth's army. Six thousand copies of the latter were sold. Life of John Dunton, vol. i. p. 184. Roger Coke, a contemporary, and Oldmixon, almost an eye-witness, vouch for their general fairness; and I have found an unexpected degree of coincidence between them and the circuit records. Burnet came to reside at Salisbury in 1689, and he and Kennet began to relate the facts about seventeen years after they occurred. Father Orleans, and the writer of James's Life, admit the cruelties, while they vainly strive to exculpate the King from any share in them. From a comparison of those original authorities, and from the correspondence, hitherto un-

As the movements of Monmouth's army had been confined to Dorset and Somerset, the acts of high treason were almost entirely committed there, and the prisoners apprehended elsewhere were therefore removed for trial to these counties.* That unfortunate district was already filled with dismay and horror by the barbarities of the troops; the roads leading to its principal towns were covered with prisoners under military guards; and the display and menace of warlike power were most conspicuous in the retinue of insolent soldiers and trembling culprits who followed the march of the judges, forming a melancholy contrast to the parental confidence which was wont to pervade the administration of the unarmed laws of a free people. Three hundred and twenty prisoners were arraigned at Dorchester, of whom thirty-five pleaded "not guilty;" and on their trial five were acquitted and thirty were convicted. The Chief Justice caused some intimation to be conveyed to the prisoners that confession was the only road to mercy; and to strengthen the effect of this hint, he sent twenty-nine of the persons convicted to immediate execution, — though one of them at least was so innocent that had there been time to examine his case, he might even then have been pardoned.† The intimation illustrated by such a commentary produced the intended effect: two hundred and eight at once confessed.‡ Eighty persons were, according to contemporary accounts, executed at Dorchester; and though the records state only the execution of fifty, yet as they contain no entry of judgment in two hundred and

known, in the State Paper Office, the narrative of the text has been formed.

* There were removed to Dorchester 94 from Somerset, 89 from Devon, 55 from Wilts, and 23 from London. Circuit Records.

† Bragg, an attorney. Bloody Assizes. Western Rebellion.

‡ Calendar for Dorsetshire summer assizes, 1685.

fifty cases, their silence affords no presumption against the common accounts.

The correspondence of Jeffreys with the King and the minister appears to have begun at Dorchester. From that place he wrote on the 8th of September, in terms of enthusiastic gratitude to Sunderland, to return thanks for the Great Seal.* Two days afterwards he informed Sunderland, that though "tortured by the stone," he had that day "despatched ninety-eight rebels."† Sunderland assured him in answer, that the King approved all his proceedings, of which very minute accounts appear to have been constantly transmitted by Jeffreys directly to the King himself.‡ In the county of Somerset more than a thousand prisoners were arraigned for treason at Taunton and Wells, of whom only six ventured to put themselves on their trial by pleading "not guilty." A thousand and forty confessed themselves to be guilty; — a proportion of confessions so little corresponding to the common chances of precipitate arrests, of malicious or mistaken charges, and of escapes on trial, — all which were multiplied in such violent and hurried proceedings, — as clearly to show that the measures of the circuit had already extinguished all expectation that the judges would observe the rules of justice. Submission afforded some chance of escape: from trial the most innocent could no longer have any hope. Only six days were allowed in this county to find indictments against a thousand prisoners, to arraign them, to try the few who still ventured to appeal to law, to record the confessions of the rest, and to examine the circumstances which ought, in each case, to aggravate or extenuate the punishment. The names of two hundred and thirty-nine

* The Great Seal had only been vacant three days, as Lord Keeper Guildford died at his seat at Wroxton, on the 5th.

† 8th and 10th Sept. State Paper Office.

‡ Windsor, 14th Sept. Ibid.

persons executed there are preserved*: but as no judgments are entered†, we do not know how many more may have suffered. In order to diffuse terror more widely, these executions were directed to take place in thirty-six towns and villages. Three were executed in the village of Wrington, the birth-place of Mr. Locke, whose writings were one day to lessen the misery suffered by mankind from cruel laws and unjust judges. The general consternation spread by these proceedings has prevented a particular account of many of the cases from reaching us. In some of those more conspicuous instances which have been preserved, we see what so great a body of obnoxious culprits must have suffered in narrow and noisome prisons, where they were often destitute of the common necessaries of life, before a judge whose native rage and insolence were stimulated by daily intoxication, and inflamed by the agonies of an excruciating distemper, from the brutality of soldiers, and the cruelty of slavish or bigoted magistrates; while one part of their neighbours were hardened against them by faction, and the other deterred from relieving them by fear. The ordinary executioners, unequal to so extensive a slaughter, were aided by novices, whose unskilfulness aggravated the horrors of that death of torture which was then the legal punishment of high treason. Their lifeless remains were treated with those indignities and outrages which still‡ continue to disgrace the laws of a civilised age. They were beheaded and quartered, and the heads and limbs of the dead were directed to be placed on court-houses, and in all conspicuous elevations in streets, high roads, and churches. The country was filled with the dreadful preparations necessary to fit these inanimate members for such an exhibition; and the roads were covered by vehicles conveying them to great distances

* Life and Death of George Lord Jeffreys. (London, 1689.)
† Circuit Records. ‡ 1822. Ed.

in every direction.* There was not a hamlet in which the poor inhabitants were not doomed hourly to look on the mangled remains of a neighbour or a relation. "All the high roads of the country were no longer to be travelled, while the horrors of so many quarters of men and the offensive stench of them lasted."†

While one of the most fertile and cheerful provinces of England was thus turned into a scene of horror by the mangled remains of the dead, the towns resounded with the cries, and the streets streamed with the blood of men, and even women and children, who were cruelly whipped for real or pretended sedition. The case of John Tutchin, afterwards a noted political writer, is a specimen of these minor cruelties. He was tried at Dorchester, under the assumed name of Thomas Pitts, for having said that Hampshire was up in arms for the Duke of Monmouth, and, on his conviction, was sentenced to be whipped through every market town in the county for seven years. The females in court burst into tears; and even one of the officers of the court ventured to observe to the Chief Justice, that the culprit was very young, and that the sentence would reach to once a fortnight for seven years. These symptoms of pity exposed the prisoner to new brutality from his judge. Tutchin is said to have petitioned the King for the more lenient punishment of the gallows. He was seized with the small-pox in prison; and whether from unwonted compassion, or from the misnomer in the in-

* "Nothing could be liker hell than these parts: cauldrons hissing, carcasses boiling, pitch and tar sparkling and glowing, bloody limbs boiling, and tearing, and mangling." Bloody Assizes. "England is now an Aceldama. The country for sixty miles, from Bristol to Exeter, had a new terrible sort of sign-posts, gibbets, heads and quarters of its slaughtered inhabitants." Oldmixon, vol. i. p. 707.

† Lord Lonsdale (Memoirs of the Reign of James II., p. 13.) confirms the testimony of the two former more ardent partisans, both of whom, however, were eye-witnesses.

dictment, he appears to have escaped the greater part of the barbarous punishment to which he was doomed.*

These dreadful scenes are relieved by some examples of generous virtue in individuals of the victorious party. Harte, a clergyman of Taunton, following the excellent example of the Bishop, interceded for some of the prisoners with Jeffreys in the full career of his cruelty. The intercession was not successful; but it compelled him to honour the humanity to which he did not yield, for he soon after preferred Harte to be a prebendary of Bristol. Both Ken and Harte, who were probably at the moment charged with disaffection, sacrificed at a subsequent period their preferments, rather than violate the allegiance which they thought still to be due to the King; while Mew, Bishop of Winchester, who was on the field of battle at Sedgemoor, and who ordered that his coach-horses should drag forward the artillery of the royal army, preserved his rich bishopric by compliance with the government of King William. The army of Monmouth also afforded instructive proofs, that the most furious zealots are not always the most consistent adherents. Ferguson and Hooke, two Presbyterian clergymen in that army, passed most of their subsequent lives in Jacobite intrigues, either from incorrigible habits of conspiracy, or from resentment at the supposed ingratitude of their own party, or from the inconstancy natural to men of unbridled passions and distempered minds. Daniel De Foe, one of the most original writers of the English nation, served in the army of Monmouth; but we do not know the particulars of his escape. A great satirist had afterwards the baseness to reproach both Tutchin and De Foe with sufferings, which were dishonourable only to those who inflicted them. †

* Savage, p. 509. Western Rebellion. Dorchester Calendar, summer assizes, 1685.

† "Earless on high stood unabashed De Foe,
And Tutchin flagrant from the scourge below."
Dunciad, book ii.

In the mean time, peculiar circumstances rendered the correspondence of Jeffreys in Somersetshire with the King and his minister more specific and confidential than it had been in the preceding parts of the circuit. Lord Sunderland had apprised Jeffreys of the King's pleasure to bestow a thousand convicts on several courtiers, and one hundred on a favourite of the Queen*, on these persons finding security that the prisoners should be enslaved for ten years in some West India island:—a limitation intended, perhaps, only to deprive the convicts of the sympathy of the Puritan colonists of New England, but which, in effect, doomed them to a miserable and lingering death in a climate where field-labour is fatal to Europeans. Jeffreys, in his answer to the King, remonstrates against this disposal of the prisoners, who, he says, would be worth ten or fifteen pounds a-piece†; and, at the same time, returns thanks for his Majesty's gracious acceptance of his services. In a subsequent letter from Bristol‡, he yields to the distribution of the convicts; boasts of his victory over that most factious city, where he had committed the mayor and an alderman, under pretence of their having sold to the plantations men whom they had unjustly convicted with a view to such a sale; and pledges himself "that Taunton, and Bristol, and the county of Somerset, should know their duty both to God and their King before he leaves them." He entreats the King not to be surprised into pardons.

James, being thus regularly apprised of the most minute particulars of Jeffreys's proceedings, was accustomed to speak of them to the foreign ministers under the name of "Jeffreys's campaign."§ He

* 14th and 15th Sept. State Paper Office. 200 to Sir Robert White, 200 to Sir William Booth, 100 to Sir C. Musgrave, 100 to Sir W. Stapleton, 100 to J. Kendall, 100 to —— Triphol, 100 to a merchant. "The Queen has asked 100 more of the rebels."

† Taunton, 19th Sept. Ibid. ‡ 22d Sept. Ibid.

§ Burnet, History of his Own Time (fol.), vol. i. p. 648.

amused himself with horse-races at Winchester, the scene of the recent execution of Mrs. Lisle, during the hottest part of Jeffreys's operations.* He was so fond of the phrase of "Jeffreys's campaign," as to use it twice in his correspondence with the Prince of Orange; and, on the latter occasion, in a tone of exultation approaching to defiance.† The excellent Ken had written to him a letter of expostulation on the subject. On the 30th of September, on Jeffreys's return to court, his promotion to the office of Lord Chancellor was announced in the Gazette, with a panegyric on his services very unusual in the cold formalities of official appointment. Had James been dissatisfied with the conduct of Jeffreys, he had the means of repairing some part of its consequences, for the executions in Somersetshire were not concluded before the latter part of November; and among the persons who suffered in October was Mr. Hickes, a Nonconformist clergyman, for whom his brother, the learned Dr. Hickes, afterwards a sufferer in the cause of James, sued in vain for pardon.‡ Some months after, when Jeffreys had brought on a fit of danger-

* 14th to 18th Sept. London Gazettes.

† 10th and 24th Sept. Dalrymple, Memoirs of Great Britain, appendix to part i. book ii.

‡ The Père d'Orleans, who wrote under the eye of James, in 1695, mentions the displeasure of the King at the sale of pardons, and seems to refer to Lord Sunderland's letter to Kirke, who, we know from Oldmixon, was guilty of that practice; and, in other respects, rather attempts to account for, than to deny, the acquiescence of the King in the cruelties. Révolutions d'Angleterre, liv. xi. The testimony of Roger North, if it has any foundation, cannot be applied to this part of the subject. That part of the Life of James II. which relates to it is the work only of the anonymous biographer, Mr. Dicconson of Lancashire, and abounds with the grossest mistakes. The assertion of Sheffield, Duke of Buckingham, in the Account of the Revolution, that Jeffreys disobeyed James's orders, is disproved by the correspondence already quoted. There is, on the whole, no colour for the assertion of Macpherson (History of Great Britain, vol. i. p. 453.), or for the doubts of Dalrymple.

ous illness by one of his furious debauches, the King expressed great concern, and declared that his loss could not be easily repaired.*

The public acts and personal demeanour of the King himself agreed too well with the general character of these judicial severities. An old officer, named Holmes, who was taken in Monmouth's army, being brought up to London, was admitted to an interview with the King, who offered to spare his life if he would promise to live quietly. He answered, that his principles had been and still were "republican," believing that form of government to be the best; and that he was an old man, whose life was as little worth asking as it was worth giving,—an answer which so displeased the King, that Holmes was removed to Dorchester, where he suffered death with fortitude and piety.† The proceedings on the circuit seem, indeed, to have been so exclusively directed by the King and the Chief Justice, that even Lord Sunderland, powerful as he was, could not obtain the pardon of one delinquent. Yet the case was favourable, and it deserves to be shortly related, as characteristic of the times. Lord Sunderland interceded repeatedly‡ with Jeffreys for a youth named William Jenkins, who was executed§ in spite of such powerful solicitations. He was the son of an eminent Nonconformist clergyman, who had recently died in Newgate after a long imprisonment, inflicted on him for the performance of his clerical duties. Young Jenkins had distributed mourning rings, on which was inscribed, "William Jenkins, murdered

* Barillon, 4th Feb. 1686. Fox MSS.

† Lord Lonsdale, p. 12. Calendar for Dorsetshire. Bloody Assizes. The account of Colonel Holmes by the anonymous biographer (Life of James II. vol. ii. p. 43.) is contradicted by all these authorities. It is utterly improbable, and is not more honourable to James than that here adopted.

‡ Lord Sunderland to Lord Jeffreys, 12th Sept. State Paper Office.

§ At Taunton, 30th Sept. Western Rebellion.

in Newgate." He was in consequence imprisoned in the gaol of Ilchester; and, being released by Mon mouth's army, he joined his deliverers against his oppressors.

Vain attempts have been made to exculpate James, by throwing part of the blame of these atrocities upon Pollexfen, an eminent Whig lawyer, who was leading counsel in the prosecutions*;—a wretched employment, which he probably owed, as a matter of course, to his rank as senior King's counsel on the circuit. His silent acquiescence in the illegal proceedings against Mrs. Lisle must, indeed, brand his memory with indelible infamy; but, from the King's perfect knowledge of the circumstances of that case, it seems to be evident that Pollexfen's interposition would have been unavailing: and the subsequent proceedings were carried on with such utter disregard of the forms, as well as the substance of justice, that counsel had probably no duty to perform, and no opportunity to interfere. To these facts may be added, what, without such preliminary evidence, would have been of little weight, the dying declaration of Jeffreys himself, who, a few moments before he expired, said to Dr. Scott, an eminent divine who attended him in the Tower, "Whatever I did then I did by express orders; and I have this farther to say for myself, that I was not half bloody enough for him who sent me thither."†

Other trials occurred under the eye of James in London, where, according to an ancient and humane usage, no sentence of death is executed till the case is laid before the King in person, that he may deter-

* Life of James II., vol. ii. p. 44.

† Burnet (Oxford, 1823), vol. iii. p. 61. Speaker Onslow's Note. Onslow received this information from Sir J. Jekyll, who heard it from Lord Somers, to whom it was communicated by Dr. Scott. The account of Tutchin, who stated that Jeffreys had made the same declaration to him in the Tower, is thus confirmed by indisputable evidence.

mine whether there be any room for mercy. Mr. Cornish, an eminent merchant, charged with a share in the Rye House Plot, was apprehended, tried, and executed within the space of ten days, the Court having refused him the time which he alleged to be necessary to bring up a material witness.* Colonel Rumsey, the principal witness for the Crown, owned that on the trial of Lord Russell he had given evidence which directly contradicted his testimony against Cornish. This avowal of perjury did not hinder his conviction and execution; but the scandal was so great, that James was obliged, in a few days, to make a tardy reparation for the precipitate injustice of his judges. The mutilated limbs of Cornish were restored to his relations, and Rumsey was confined for life to St. Nicholas's Island, at Plymouth†, a place of illegal imprisonment, still kept up, in defiance of the Habeas Corpus Act. This virtual acknowledgment by the King of the falsehood of Rumsey's testimony assumes an importance in history, when it is considered as a proof of the perjury of one of the two witnesses against Lord Russell,—the man of most unspotted virtue who ever suffered on an English scaffold. Ring, Fernley, and Elizabeth Gaunt, persons of humble condition in life, were tried on the same day with Cornish, for harbouring some fugitives from Monmouth's army. One of the persons to whom Ring afforded shelter was his near kinsman. Fernley was convicted on the sole evidence of Burton, whom he had concealed from the search of the public officers. When a witness was about to be examined for Fernley, the Court allowed one of their own officers to cry out that the witness was a Whig; while one of the judges, still more conversant with the shades of party, sneered at another of his witnesses as a Trimmer. When Burton was charged with being an accomplice in the

* State Trials, vol. xi. p. 382.

† Narcissus Luttrell, 19th April, 1686.

Rye House Plot, Mrs. Gaunt received him, supplied him with money, and procured him a passage to Holland. After the defeat of Monmouth, with whom he returned, he took refuge in the house of Fernley, where Mrs. Gaunt visited him, again supplied him with money, and undertook a second time to save his life, by procuring the means of his again escaping into Holland. When Burton was apprehended, the prosecutors had their choice, if a victim was necessary, either of proceeding against him, whom they charged with open rebellion and intended assassination, or against Mrs. Gaunt, whom they could accuse only of acts of humanity and charity forbidden by their laws. They chose to spare the wretched Burton, in order that he might swear away the lives of others for having preserved his own. Eight judges, of whom Jeffreys was no longer one, sat on these deplorable trials. Roger North, known as a contributor to our history, was an active counsel against the benevolent and courageous Mrs. Gaunt. William Penn was present when she was burnt alive*, and having familiar access to James, is likely to have related to him the particulars of that and of the other executions at the same time. At the stake, she disposed the straw around her, so as to shorten her agony by a strong and quick fire, with a composure which melted the spectators into tears. She thanked God that he had enabled her to succour the desolate; that "the blessing of those who were ready to perish" came upon her; and that, in the act for which she was doomed by men to destruction, she had obeyed the sacred precepts which commanded her to "hide the outcast, and not to betray him that wandereth." Thus was this poor and uninstructed woman supported under a death of cruel torture, by the lofty consciousness of suffering for righteousness, and by that steadfast faith in the final triumph of justice which can never visit the

* Clarkson, Life of Penn, vol. i. p. 448.

last moments of the oppressor. The dying speeches of the prisoners executed in London were suppressed, and the outrages offered to the remains of the dead were carried to an unusual degree.* The body of Richard Rumbold, who had been convicted and executed at Edinburgh, under a Scotch law, was brought up to London. The sheriffs of London were commanded, by a royal warrant, to set up one of the quarters on one of the gates of the city, and to deliver the remaining three to the sheriff of Hertford, who was directed by another warrant to place them at or near Rumbold's late residence at the Rye House†;—impotent but studied outrages, which often manifest more barbarity of nature than do acts of violence to the living.

The chief restraint on the severity of Jeffreys seems to have arisen from his rapacity. Contemporaries of all parties agree that there were few gratuitous pardons, and that wealthy convicts seldom sued to him in vain. Kiffin, a Nonconformist merchant, had agreed to give 3000*l.* to a courtier for the pardon of two youths of the name of Luson, his grandsons, who had been in Monmouth's army. But Jeffreys guarded his privilege of selling pardons, by unrelenting rigour towards those prisoners from whom mercy had thus been sought through another channel.‡ He was attended on his circuit by a buffoon, to whom, as a reward for his merriment in one of his hours of revelry, he tossed the pardon of a rich culprit, expressing his hope that it might turn to good account. But this traffic in mercy was not confined to the Chief Justice: the King pardoned Lord Grey to increase the value of the grant of his life-estate, which

* Narcissus Luttrell, 16th Nov. 1685.

† Warrants, 27th and 28th Oct. 1685. State Paper Office. One quarter was to be put up at Aldgate; the remaining three at Hoddesdon, the Rye, and Bishop's Stortford.

‡ Kiffin's Memoirs, p. 54. See answer of Kiffin to James, ibid. p. 159.

had been made to Lord Rochester. The young women of Taunton, who had presented colours and a Bible to Monmouth, were excepted by name from the general pardon, in order that they might purchase separate ones. To aggravate this indecency, the money to be thus extorted from them was granted to persons of their own sex, — the Queen's maids of honour; and it must be added with regret, that William Penn, sacrificing other objects to the hope of obtaining the toleration of his religion from the King's favour, was appointed an agent for the maids of honour, and submitted to receive instructions "to make the most advantageous composition he could in their behalf." * The Duke of Somerset in vain attempted to persuade Sir Francis Warre, a neighbouring gentleman, to obtain 7000*l.* from the young women, without which, he said, the maids of honour were determined to prosecute them to outlawry. Roger Hoare, an eminent trader of Bridgewater, saved his life by the payment to them of 1000*l.*; but he was kept in suspense respecting his pardon till he came to the foot of the gallows, for no other conceivable purpose than that of extorting the largest possible sum. This delay caused the insertion of his execution in the first narratives of these events: but he lived to take the most just revenge on tyrants, by contributing, as representative in several Parliaments for his native town, to support that free government which prevented the restoration of tyranny.

The same disposition was shown by the King and his ministers in the case of Mr. Hampden, the grandson of him who, forty years before, had fallen in battle for the liberties of his country. Though this gentleman had been engaged in the consultations of Lord Russell and Mr. Sidney, yet there being only one witness against him, he was not tried for treason, but

* Lord Sunderland to William Penn, 13th Feb. 1686. State Paper Office.

was convicted of a misdemeanor, and on the evidence of Lord Howard condemned to pay a fine of 40,000*l.* His father being in possession of the family estate, he remained in prison till after Monmouth's defeat, when he was again brought to trial for the same act as high treason, under pretence that a second witness had been discovered.* It had been secretly arranged, that if he pleaded guilty he should be pardoned on paying a large sum of money to two of the King's favourites. At the arraignment, both the judges and Mr. Hampden performed the respective parts which the secret agreement required; he humbly entreating their intercession to obtain the pardon which he had already secured by more effectual means, and they extolling the royal mercy, and declaring that the prisoner, by his humble confession, had taken the best means of qualifying himself to receive it. The result of this profanation of the forms of justice and mercy was, that Mr. Hampden was in a few months allowed to reverse his attainder, on payment of a bribe of 6000*l.* to be divided between Jeffreys and Father Petre, the two guides of the King in the performance of his duty to God and his people.†

Another proceeding, of a nature still more culpable, showed the same union of mercenary with sanguinary purposes in the King and his ministers. Prideaux, a gentleman of fortune in the West of England, was apprehended on the landing of Monmouth, for no other reason than that his father had been attorney-general under the Commonwealth and the Protectorate. Jeffreys, actuated here by personal motives, employed agents through the prisons to discover evidence against Prideaux. The lowest prisoners were offered their lives, and a sum of 500*l.* if they would give evidence against him. Such, however,

* State Trials, vol. xi. p. 479.

† Lords' Journals, 20th Dec. 1689. This document has been overlooked by all historians, who, in consequence, have misrepresented the conduct of Mr. Hampden.

was the inflexible morality of the Nonconformists, who formed the bulk of Monmouth's adherents, that they remained unshaken by these offers, amidst the military violence which surrounded them, and in spite of the judicial rigours which were to follow. Prideaux was enlarged. Jeffreys himself, however, was able to obtain some information, though not upon oath, from two convicts under the influence of the terrible proceedings at Dorchester*; and Prideaux was again apprehended. The convicts were brought to London; and one of them was conducted to a private interview with the Lord Chancellor, by Sir Roger L'Estrange, the most noted writer in the pay of the Court. Prideaux, alarmed at these attempts to tamper with witnesses, employed the influence of his friends to obtain his pardon. The motive for Jeffreys's unusual activity was then discovered. Prideaux's friends were told that nothing could be done for him, as "the King had given him" (the familiar phrase for a grant of an estate either forfeited or about to be forfeited) to the Chancellor, as a reward for his services. On application to one Jennings, the avowed agent of the Chancellor for the sale of pardons, it was found that Jeffreys, unable to procure evidence on which he could obtain the whole of Prideaux's large estates by a conviction, had now resolved to content himself with a bribe of 10,000*l.* for the deliverance of a man so innocent, that by the formalities of law, perverted as they then were, the Lord Chancellor could not effect his destruction. Payment of so large a sum was at first resisted; but to subdue this contumacy, Prideaux's friends were forbidden to have access to him in prison, and his ransom was raised to 15,000*l.* The money was then publicly paid by a banker to the Lord Chancellor of England by name. Even in the administration of the iniquitous laws of confiscation, there are probably few

* Sunderland to Jeffreys, 14th Sept. 1685. State Paper Office.

instances where, with so much premeditation and effrontery, the spoils of an accused man were promised first to the judge, who might have tried him, and afterwards to the Chancellor who was to advise the King in the exercise of mercy.*

Notwithstanding the perjury of Rumsey in the case of Cornish, a second experiment was made on the effect of his testimony by producing him, together with Lord Grey and one Saxton, as a witness against Lord Brandon on a charge of treason.† The accused was convicted, and Rumsey was still allowed to correspond confidentially with the Prime Minister‡, to whom he even applied for money. But when the infamy of Rumsey became notorious, and when Saxton had perjured himself on the subsequent trial of Lord Delamere, it was thought proper to pardon Lord Brandon, against whom no testimony remained but that of Lord Grey, who, when he made his confession, is said to have stipulated that no man should be put to death on his evidence. But Brandon was not enlarged on bail till fourteen months, nor was his pardon completed till two years after his trial.§

The only considerable trial which remained was that of Lord Delamere, before the Lord Steward (Jeffreys) and thirty peers. Though this nobleman was obnoxious and formidable to the Court, the proof of the falsehood and infamy of Saxton, the principal witness against him, was so complete, that he was unanimously acquitted;—a remarkable and almost solitary exception to the prevalent proceedings of courts of law at that time, arising partly from a proof of the falsehood of the charge more clear than can

* Commons' Journals, 1st May, 1689.

† Narcissus Luttrell, 25th Nov. 1685; which, though very short, is more full than any published account of Lord Brandon's trial.

‡ Rumsey to Lord Sunderland, Oct. 1685, and Jan. 1686. State Paper Office.

§ Narcissus Luttrell, Jan. and Oct. 1687.

often be expected, and partly, perhaps, from the fellow-feeling of the judges with the prisoner, and from the greater reproach to which an unjust judgment exposes its authors, when in a conspicuous station.

The administration of justice in state prosecutions is one of the surest tests of good government. The judicial proceedings which have been thus carefully and circumstantially related afford a specimen of those evils from which England was delivered by the Revolution. As these acts were done with the aid of juries, and without the censure of Parliament, they also afford a fatal proof that judicial forms and constitutional establishments may be rendered unavailing by the subserviency or the prejudices of those who are appointed to carry them into effect. The wisest institutions may become a dead letter, and may even, for a time, be converted into a shelter and an instrument of tyranny, when the sense of justice and the love of liberty are weakened in the minds of a people.

CHAP. II.

DISMISSAL OF HALIFAX. — MEETING OF PARLIAMENT. — DEBATES ON THE ADDRESS. — PROROGATION OF PARLIAMENT. — HABEAS CORPUS ACT. — STATE OF THE CATHOLIC PARTY. — CHARACTER OF THE QUEEN — OF CATHARINE SEDLEY. — ATTEMPT TO SUPPORT THE DISPENSING POWER BY A JUDGMENT OF A COURT OF LAW. — GODDEN V. HALES. — CONSIDERATION OF THE ARGUMENTS. — ATTACK ON THE CHURCH. — ESTABLISHMENT OF THE COURT OF COMMISSIONERS FOR ECCLESIASTICAL CAUSES. — ADVANCEMENT OF CATHOLICS TO OFFICES. — INTERCOURSE WITH ROME.

THE general appearance of submission which followed the suppression of the revolt, and the punishment of the revolters, encouraged the King to remove from office the Marquis of Halifax, with whose liberal opinions he had recently, as well as early, been dis-

satisfied, and whom he suffered to remain in place at his accession, only as an example that old opponents might atone for their offences by compliance.*. A different policy was adopted in a situation of more strength. As the King found that Halifax would not comply with his projects, he determined to dismiss him before the meeting of Parliament;—an act of vigour which it was thought would put an end to division in his councils, and prevent discontented ministers from countenancing a resistance to his measures. When he announced this resolution to Barillon, he added, that "his design was to obtain a repeal of the Test and Habeas Corpus Acts, of which the former was destructive of the Catholic religion, and the other of the royal authority; that Halifax had not the firmness to support the good cause, and that he would have less power of doing harm if he were disgraced." † James had been advised to delay the dismissal till after the session, that the opposition of Halifax might be moderated, if not silenced, by the restraints of high office; but he thought that his authority would be more strengthened, by an example of a determination to keep no terms with any one who did not show an unlimited compliance with his wishes. "I do not suppose," said the King to Barillon, with a smile, "that the King your master will be sorry for the removal of Halifax. I know that it will mortify the ministers of the allies." Nor was he deceived in either of these respects. The news was received with satisfaction by Louis, and with dismay by the ministers of the Empire, of Spain, and of Holland, who lost their only advocate in the councils of England.‡ It excited wonder and alarm among those Englishmen who were zealously attached to their religion and liberty. §

* Barillon, 5th March, 1685. Fox, app. p. xlvii. [In these dates the new style only is observed.—Ed.]

† Barillon, 20th October. Ibid. p. cxxvii.

‡ Barillon, 5th November. Ibid. p. cxxx.

§ Barillon, 1st March. Ibid. p. xxxviii.

Though Lord Halifax had had no share in the direction of public affairs since the King's accession, his removal was an important event in the eye of the public, and gave him a popularity which he preserved by independent and steady conduct during the sequel of James's reign.

It is remarkable that, on the meeting of Parliament (9th November) little notice was taken of the military and judicial excesses in the West. Sir Edward Seymour applauded the punishment of the rebels; and Waller alone, a celebrated wit, an ingenious poet; the father of parliamentary oratory, and one of the refiners of the English language, though now in his eightieth year, arraigned the violences of the soldiery with a spirit still unextinguished. He probably intended to excite a discussion which might gradually have reached the more deliberate and inexcusable faults of the judges. But the opinions and policy of his audience defeated his generous purpose. The prevalent party looked with little disapprobation on severities which fell on Nonconformists and supposed Republicans. Many might be base enough to feel little compassion for sufferers in the humbler classes of society; some were probably silenced by a pusillanimous dread of being said to be the abettors of rebels; and all must have been, in some measure, influenced by an undue and excessive degree of that wholesome respect for judicial proceedings, which is one of the characteristic virtues of a free country. This disgraceful silence is, perhaps, somewhat extenuated by the slow circulation of intelligence at that period; by the censorship which imposed silence on the press, or enabled the ruling party to circulate falsehood through its means; and by the eagerness of all parties for a discussion of the alarming tone and principles of the speech from the throne.

The King began his speech by observing that the late events must convince every one that the militia was not sufficient, and that nothing but a good force

of well-disciplined troops, in constant pay, could secure the government against enemies abroad and at home; and that for this purpose he had increased their number, and now asked a supply for the great charge of maintaining them. "Let no man take exception," he continued, "that there are some officers in the army not qualified, according to the late tests, for their employments; the gentlemen are, I must tell you, most of them well known to me; they have approved the loyalty of their principles by their practice; and I will deal plainly with you, that after having had the benefit of their services in such a time of need and danger, I will neither expose them to disgrace, nor myself to the want of them, if there should be another rebellion to make them necessary to me." Nothing but the firmest reliance on the submissive disposition of the Parliament could have induced James to announce to them his determination to bid defiance to the laws. He probably imagined that the boldness with which he asserted the power of the Crown would be applauded by many, and endured by most of the members of such a Parliament. But never was there a more remarkable example of the use of a popular assembly, however ill composed, in extracting from the disunion, jealousy, and ambition of the victorious enemies of liberty, a new opposition to the dangerous projects of the Crown. The vices of politicians were converted into an imperfect substitute for virtue; and though the friends of the constitution were few and feeble, the inevitable divisions of their opponents in some degree supplied their place.

The disgrace of Lord Halifax disheartened and even offended some supporters of Government. Sir Thomas Clarges, a determined Tory, was displeased at the merited removal of his nephew, the Duke of Albemarle, from the command of the army against Monmouth. Nottingham, a man of talent and ambition, more a Tory than a courtier, was dissatisfied with his own exclusion from office, and jealous of

Rochester's ascendency over the Church party. His relation Finch, though solicitor-general, took a part against the Court. The projects of the Crown were thwarted by the friends of Lord Danby, who had forfeited all hopes of the King's favour by communicating the Popish Plot to the House of Commons, and by his share in the marriage of the Princess Mary with the Prince of Orange. Had the King's first attack been made on civil liberty, the Opposition might have been too weak to embolden all these secret and dispersed discontents to display themselves, and to combine together. But the attack on the exclusive privileges of the Church of England, while it alienated the main force of the Crown, touched a point on which all the subdivisions of discontented Tories professed to agree, and afforded them a specious pretext for opposing the King, without seeming to deviate from their ancient principles. They were gradually disposed to seek or accept the assistance of the defeated Whigs, and the names of Sir Richard Temple, Sir John Lowther, Sergeant Maynard, and Mr. Hampden, appear at last more and more often in the proceedings. Thus admirably does a free constitution not only command the constant support of the wise and virtuous, but often compel the low jealousies and mean intrigues of disappointed ambition to contend for its preservation. The consideration of the King's speech was postponed for three days, in spite of a motion for its immediate consideration by Lord Preston, a secretary of state.

In the committee of the whole House on the speech, which occurred on the 12th, two resolutions were adopted, of which the first was friendly, and the second was adverse, to the Government. It was resolved, "that a supply be granted to his Majesty," and "that a bill be brought in to render the militia more useful." The first of these propositions has seldom been opposed since the government has become altogether dependent on the annual grants of Parlia-

ment; it was more open to debate on a proposal for extraordinary aid, and it gave rise to some important observations. Clarges declared he had voted against the Exclusion, because he did not believe its supporters when they foretold that a Popish king would have a Popish army. "I am afflicted greatly at this breach of our liberties; what is struck at here is our all." Sir Edward Seymour observed, with truth, that to dispense with the Test was to release the King from all law. Encouraged by the bold language of these Tories, old Sergeant Maynard said, that the supply was asked for the maintenance of an army which was to be officered against a law made, not for the punishment of Papists, but for the defence of Protestants. The accounts of these important debates are so scanty, that we may, without much presumption, suppose the venerable lawyer to have at least alluded to the recent origin of the Test (to which the King had disparagingly adverted in his speech), as the strongest reason for its strict observance. Had it been an ancient law, founded on general considerations of policy, it might have been excusable to relax its rigour from a regard to the circumstances and feelings of the King. But having been recently provided as a security against the specific dangers apprehended from his accession to the throne, it was to the last degree unreasonable to remove or suspend it at the moment when those very dangers had reached their highest pitch. Sir Richard Temple spoke warmly against standing armies, and of the necessity of keeping the Crown dependent on parliamentary grants. He proposed the resolution for the improvement of the militia, with which the courtiers concurred. Clarges moved as an amendment on the vote of supply, the words, "for the additional forces,"—to throw odium on the ministerial vote; but this adverse amendment was negatived by a majority of seventy in a house of three hundred and eighty-one. On the 13th, the ministers proposed to instruct the

committee of the whole House on the King's speech, to consider, first, the paragraph of the speech which contained the demand of supply. They were defeated by a majority of a hundred and eighty-three to a hundred and eighty-two; and the committee resolved to take into consideration, first, the succeeding paragraph, which related to the officers illegally employed.* On the 16th, an address was brought up from the committee, setting forth the legal incapacity of the Catholic officers, which could only be removed by an Act of Parliament, offering to indemnify them from the penalties they had incurred, but, as their continuance would be taken to be a dispensing with the law, praying that the King would be pleased not to continue them in their employments. The House, having substituted the milder words, "that he would give such directions therein as that no apprehensions or jealousies might remain in the hearts of his subjects," unanimously adopted the address. A supply of seven hundred thousand pounds was voted;—a medium between twelve hundred thousand required by ministers, and two hundred thousand proposed by the most rigid of their opponents. The danger of standing armies to liberty, and the wisdom of such limited grants as should compel the Crown to recur soon and often to the House of Commons, were the general arguments used for the smaller sum. The courtiers urged the example of the late revolt, the superiority of disciplined troops over an inexperienced

* "The Earl of Middleton, then a secretary of state, seeing many go out upon the division against the Court who were in the service of Government, went down to the bar and reproached them to their faces for voting as they did. He said to a Captain Kendal, 'Sir, have you not a troop of horse in his Majesty's service?' 'Yes, sir,' said the other: 'but my brother died last night, and has left me seven hundred pounds a year.' This I had from my uncle, the first Lord Onslow, who was then a member of the House, and present. This incident upon one vote very likely saved the nation." Burnet (Oxford, 1823), vol. iii. p. 86. Note by Speaker Onslow.

militia, the necessity arising from the like practice of all other states, and the revolution in the art of war, which had rendered proficiency in it unattainable, except by those who studied and practised it as the profession of their lives. The most practical observation was that of Sir William Trumbull, who suggested that the grant should be annual, to make the existence of the army annually dependent on the pleasure of Parliament. The ministers, taking advantage of the secrecy of foreign negotiations, ventured to assert that a formidable army in the hands of the King was the only check on the ambition of France; though they knew that their master was devoted to Louis XIV., to whom he had been recently suing for a secret subsidy in the most abject language of supplication.* When the address was presented, the King answered, with a warmth and anger very unusual on such occasions†, that "he did not expect such an address; that he hoped his reputation would have inspired such a confidence in him: but that, whatever they might do, he should adhere to all his promises." The reading of this answer in the House the next day produced a profound silence for some minutes. A motion was made by Mr. Wharton to take it into consideration, on which Mr. John Cooke said, "We are Englishmen, and ought not to be frightened from our duty by a few hard words."‡ Both these gentlemen were Whigs, who were encouraged to speak freely by the symptoms of vigour which the House had shown; but they soon discovered that they had mistaken the

* Barillon, 16th July, 1685. Fox, app. p. cix. "Le Roi me dit que si V. M. avoit quelque chose à désirer de lui, il iroit au devant de tout ce qui peut plaire à V. M.; qu'il avoit été élevé en France, et mangé le pain de V. M.; *que son cœur étoit François.*" Only six weeks before (30th May), James had told his parliament that "he had a *true English heart.*"

† Reresby, p. 218. Sir John Reresby, being a member of the House, was probably present.

‡ Commons' Journals, 18th Nov.

temper of their colleagues; for the majority, still faithful to the highest pretensions of the Crown whenever the Established Church was not adverse to them, committed Mr. Cooke to the Tower, though he disavowed all disrespectful intention, and begged pardon of the King and the House. Notwithstanding the King's answer, they proceeded to provide means of raising the supply, and they resumed the consideration of a bill for the naturalisation of French Protestants,—a tolerant measure, the introduction of which the zealous partisans of the Church had, at first, resisted, as they afterwards destroyed the greater part of its benefit by confining it to those who should conform to the Establishment.* The motion for considering the King's speech was not pursued, which, together with the proceeding on supply, seemed to imply a submission to the menacing answer of James; arising principally from the subservient character of the majority, but, probably, in some, from a knowledge of the vigorous measures about to be proposed in the House of Lords.

At the opening of the Session, that House had contented themselves with general thanks to the King for his speech, without any allusion to its contents. Jeffreys, in delivering the King's answer, affected to treat this parliamentary courtesy as an approval of the substance of the speech. Either on that or on the preceding occasion, it was said by Lord Halifax or Lord Devonshire (for it is ascribed to both), "that they had now more reason than ever to give thanks to his Majesty for having dealt so plainly with them." The House, not called upon to proceed as the other House was by the demand of supply, continued inactive for a few days, till they were roused by the imperious answer of the King to the Commons. On the 19th, the day of that answer, Lord Devonshire moved to take into consideration the dangerous consequences

* Ibid., 16th June, 1st July.

of an army kept up against law. He was supported by Halifax, by Nottingham, and by Anglesea, who, in a very advanced age, still retained that horror of the yoke of Rome, which he had found means to reconcile with frequent acquiescence in the civil policy of Charles and James. Lord Mordaunt, more known as Earl of Peterborough, signalised himself by the youthful spirit of his speech. "Let us not," he said, "like the House of Commons, speak of jealousy and distrust: ambiguous measures inspire these feelings. What we now see is not ambiguous. A standing army is on foot, filled with officers, who cannot be allowed to serve without overthrowing the laws. To keep up a standing army when there is neither civil nor foreign war, is to establish that arbitrary government which Englishmen hold in such just abhorrence." Compton, Bishop of London, a prelate of noble birth and military spirit, who had been originally an officer in the Guards, spoke for the motion in the name of all his brethren on the episcopal bench, who considered the security of the Church as involved in the issue of the question. He was influenced not only by the feelings of his order, but by his having been the preceptor of the Princesses Mary and Anne, who were deeply interested in the maintenance of the Protestant Church, as well as conscientiously attached to it. Jeffreys was the principal speaker on the side of the Court. He urged the thanks already voted as an approval of the speech. His scurrilous invectives, and the tones and gestures of menace with which he was accustomed to overawe juries, roused the indignation, instead of commanding the acquiescence, of the Lords. As this is a deportment which cuts off all honourable retreat, the contemporary accounts are very probable, which represent him as sinking at once from insolence to meanness. His defeat must have been signal; for, in an unusually full House of Lords*, after so violent an

* The attendance was partly caused by a call of the House,

opposition by the Chancellor of England, the motion for taking the address into consideration was, on the 23d, carried without a division.*

On the next day the King prorogued the Parliament; which never again was assembled but for the formalities of successive prorogations, by which its legal existence was prolonged for two years. By this act he lost the subsidy of seven hundred thousand pounds: but his situation had become difficult. Though money was employed to corrupt some of the opponents of his measures, the Opposition was daily gaining strength.† By rigorous economy, by diverting parliamentary aids from the purposes for which they were granted, the King had the means of maintaining the army, though his ministers had solemnly affirmed that he had not.‡ He was full of maxims for the necessity of firmness and the dangers of concession,

ordered for the trials of Lords Stamford and Delamere. There were present on the 19th November, seventy-five temporal and twenty spiritual lords. On the call, two days before, it appeared that forty were either minors, abroad, or confined by sickness; six had sent proxies; two were prisoners for treason; and thirty absent without any special reason, of whom the great majority were disabled as Catholics: so that very few peers, legally and physically capable of attendance, were absent.

* Barillon, 3d Dec. Fox MSS. This is the only distinct narrative of the proceedings of this important and decisive day. Burnet was then on the Continent, but I have endeavoured to combine his account with that of Barillon.

† Barillon, 26th Nov. Fox, app. p. cxxxix.

‡ Barillon, 13th Dec. Fox MSS. The expenses of the army of Charles had been 280,000*l.*; that of James was 600,000*l.* The difference of 320,000*l.* was, according to Barillon, thus provided for: 100,000*l.*, the income of James as Duke of York, which he still preserved; 800,000*l.* granted to pay the debts of Charles, which, *as the King was to pay the debts as he thought fit*, would yield for some years 100,000*l.*; 800,000*l.* granted for the navy and the arsenals, on which the King *might proceed slowly, or even do nothing*; 400,000*l.* for the suppression of the rebellion. As these last funds were not to come into the Exchequer for some years, they were estimated as producing annually more than sufficient to cover the deficiency.

which were mistaken by others, and perhaps by himself, for proofs of a vigorous character. He had advanced too far to recede with tolerable dignity. The energy manifested by the House of Lords would have compelled even the submissive Commons to co-operate with them, which might have given rise to a more permanent coalition of the High Church party with the friends of liberty. A suggestion had been thrown out in the Lords to desire the opinion of the judges on the right of the King to commission the Catholic officers*; and it was feared that the terrors of impeachment might, during the sitting of Parliament, draw an opinion from these magistrates against the prerogative, which might afterwards prove irrevocable. To reconcile Parliament to the officers became daily more hopeless: to sacrifice those who had adhered to the King in a time of need appeared to be an example dangerous to all his projects, whether of enlarging his prerogative, or of securing, and, perhaps, finally establishing, his religion.

Thus ended the active proceedings of a Parliament which, in all that did not concern the Church, justified the most sanguine hopes that James could have formed of their submission to the Court, as well as their attachment to the monarchy. A body of men so subservient as that House of Commons could hardly be brought together by any mode of election or appointment; and James was aware that, by this angry prorogation he had rendered it difficult for himself for a long time to meet another Parliament. The Session had lasted only eleven days; during which the eyes of Europe had been anxiously turned towards their proceedings. Louis XIV., not entirely relying on the sincerity or steadiness of James, was fearful that he might yield to the Allies or to his people, and instructed Barillon in that case to open a negotiation with leading members of the Commons, that they

* Barillon, 10th Dec. Fox MSS.

might embarrass the policy of the King, if it became adverse to France.* Spain and Holland, on the other hand, hoped, that any compromise between the King and Parliament would loosen the ties that bound the former to France. It was even hoped that he might form a triple alliance with Spain and Sweden, and large sums of money were secretly offered to him to obtain his accession to such an alliance.† Three days before the meeting of Parliament, had arrived in London Monsignor D'Adda, a Lombard prelate of distinction, as the known, though then unavowed, minister of the see of Rome‡, which was divided between the interest of the Catholic Church of England and the animosity of Innocent XI. against Louis XIV. All these solicitudes, and precautions, and expectations, were suddenly dispelled by the unexpected rupture between James and his Parliament.

From the temper and opinions of that Parliament it is reasonable to conclude, that the King would have been more successful if he had chosen to make his first attack on the Habeas Corpus Act, instead of directing it against the Test. Both these laws were then only of a few years' standing; and he, as well as his brother, held them both in abhorrence. The Test gave exclusive privileges to the Established Church, and was, therefore, dear to the adherents of that powerful body. The Habeas Corpus Act was not then the object of that attachment and veneration which experience of its unspeakable benefits for a hundred and fifty years has since inspired. The most ancient of our fundamental laws had declared the principle that no freeman could be imprisoned without legal authority.§ The immemorial antiquity of the writ of Habeas Corpus,—an order of a court of justice to a gaoler to bring the body of a prisoner before them,

* Louis to Barillon, 19th Nov. Fox, app. p. cxxxvi.
† Barillon, 26th Nov. Fox, app. p. cxxxix.
‡ D'Adda to the Pope, 19th Nov. D'Adda MSS.
§ Magna Charta, c. 29.

that there might be an opportunity of examining whether his apprehension and detention were legal,—seems to prove that this principle was coeval with the law of England. In irregular times, however, it had been often violated; and the judges under Charles I. pronounced a judgment*, which, if it had not been condemned by the Petition of Right†, would have vested in the Crown a legal power of arbitrary imprisonment. By the statute which abolished the Star Chamber, the Parliament of 1641‡ made some important provisions to facilitate deliverance from illegal imprisonment. For eleven years Lord Shaftesbury struggled to obtain a law which should complete the securities of personal liberty; and at length that great though not blameless man obtained the object of his labours, and bestowed on his country the most perfect security against arbitrary imprisonment which has ever been enjoyed by any society of men.§ It has banished that most dangerous of all modes of oppression from England. It has effected that great object as quietly as irresistibly; it has never in a single instance been resisted or evaded; and it must be the model of all nations who aim at securing that personal liberty without which no other liberty can subsist. But in the year 1685, it appeared to the predominant party an odious novelty, an experiment untried in any other nation,—carried through, in a period of popular frenzy, during the short triumph of a faction hostile to Church and State, and by him who was the most obnoxious of all the demagogues of the age. There were then, doubtless, many,—perhaps the majority,—of the partisans of authority who believed, with Charles and James, that to deprive a

* The famous case of commitments "by the special command of the King," which last words the Court of King's Bench determined to be a sufficient cause for detaining a prisoner in custody without any specification of an offence. State Trials, vol. iii. p. 1.

† 3 Car. I. c. i. ‡ 16 Car. I. c. 10. § 31 C. II. c. 2.

government of all power to imprison the suspected and the dangerous, unless there was legal ground of charge against them, was incompatible with the peace of society; and this opinion was the more dangerous because it was probably conscientious.* In this state of things it may seem singular that James did not first propose the repeal of the Habeas Corpus Act, by which he would have gained the means of silencing opposition to all his other projects. What the fortunate circumstances were which pointed his attack against the Test, we are not enabled by contemporary evidence to ascertain. He contemplated that measure with peculiar resentment, as a personal insult to himself, and as chiefly, if not solely, intended as a safeguard against the dangers apprehended from his succession. He considered it as the most urgent object of his policy to obtain a repeal of it; which would enable him to put the administration, and especially the army, into the hands of those who were devoted by the strongest of all ties to his service, and whose power, honour, and even safety, were involved in his success. An army composed of Catholics must have seemed the most effectual of all the instruments of power in his hands; and it is no wonder that he should hasten to obtain it. Had he been a lukewarm or only a professed Catholic, an armed force, whose interests were the same with his own, might reasonably have been considered as that which it was in the first place necessary to secure. Charles II., with a loose belief in Popery, and no zeal for it, was desirous of strengthening its interests, in order to enlarge his own power. As James was a conscientious and zealous

* James retained this opinion till his death. "It was a great misfortune to the people, as well as to the Crown, the passing of the Habeas Corpus Act, since it obliges the Crown to keep a greater force on foot to preserve the government, and encourages disaffected, turbulent, and unquiet spirits to carry on their wicked designs: it was contrived and carried on by the Earl of Shaftesbury to that intent." Life, vol. ii. p. 621.

Catholic, it is probable that he was influenced in every measure of his government by religion, as well as ambition. Both these motives coincided in their object: his absolute power was the only security for his religion, and a Catholic army was the most effectual instrument for the establishment of absolute power. In such a case of combined motives, it might have been difficult for himself to determine which predominated on any single occasion. Sunderland, whose sagacity and religious indifference are alike unquestionable, observed to Barillon, that on mere principles of policy James could have no object more at heart than to strengthen the Catholic religion *; — an observation which, as long as the King himself continued to be a Catholic, seems, in the hostile temper which then prevailed among all sects, to have had great weight.

The best reasons for human actions are often not their true motives: but, in spite of the event, it does not seem difficult to defend the determination of the King on those grounds, merely political, which, doubtless, had a considerable share in producing it. It is not easy to ascertain how far his plans in favour of his religion at that time extended. A great division of opinion prevailed among the Catholics themselves on this subject. The most considerable and opulent laymen of that communion, willing to secure moderate advantages, and desirous to employ their superiority with such forbearance as might provoke no new severities under a Protestant successor, would have been content with a repeal of the penal laws, without insisting on an abrogation of the Test. The friends of Spain and Austria, with all the enemies of the French connection, inclined strongly to a policy which, by preventing a rupture between the King and Parliament, might enable, and, perhaps, dispose him to espouse the cause of European independence. The Sovereign Pontiff himself was of this party; and the

* Barillon, 16th July. Fox, app. p. ciii.

wary politicians of the court of Rome advised their English friends to calm and slow proceedings: though the Papal minister, with a circumspection and reserve required by the combination of a theological with a diplomatic character, abstained from taking any open part in the division, where it would have been hard for him to escape the imputation of being either a lukewarm Catholic or an imprudent counsellor. The Catholic lords who were ambitious of office, the Jesuits, and especially the King's confessor, together with all the partisans of France, supported extreme counsels better suited to the temper of James, whose choice of political means was guided by a single maxim,—that violence (which he confounded with vigour) was the only safe policy for an English monarch. Their most specious argument was the necessity of taking such decisive measures to strengthen the Catholics during the King's life as would effectually secure them against the hostility of his successor.*

The victory gained by this party over the moderate Catholics, as well as the Protestant Tories, was rendered more speedy and decisive by some intrigues of the Court, which have not hitherto been fully known to historians. Mary of Este, the consort of James, was married at the age of fifteen, and had been educated in such gross ignorance, that she never had heard of the name of England until it was made known to her on that occasion. She had been trained to a rigorous observance of all the practices of her religion, which sunk more deeply into her heart, and more constantly influenced her conduct, than was usual among Italian princesses. On her arrival in England, she betrayed a childish aversion to James, which was quickly converted into passionate fondness. But neither her attachment nor her beauty could fix

* Barillon, 12th Nov. Fox, app. p. cxxxiv. Barillon, 31st Dec. Fox MSS. Burnet, vol. i. p. 662. The coincidence of Burnet with the more ample account of Barillon is an additional confirmation of the substantial accuracy of the honest prelate.

the heart of that inconstant prince, who reconciled a warm zeal for his religion with an habitual indulgence in those pleasures which it most forbids. Her life was embittered by the triumph of mistresses, and by the frequency of her own perilous and unfruitful pregnancies. Her most formidable rival, at the period of the accession, was Catherine Sedley, a woman of few personal attractions *, who inherited the wit and vivacity of her father, Sir Charles Sedley, which she unsparingly exercised on the priests and opinions of her royal lover. Her character was frank, her deportment bold, and her pleasantries more amusing than refined.† Soon after his accession, James was persuaded to relinquish his intercourse with her; and, though she retained her lodgings in the palace, he did not see her for several months. The connection was then secretly renewed; and, in the first fervour of a revived passion, the King offered to give her the title of Countess of Dorchester. She declined this invidious distinction, assuring him that, by provoking the anger of the Queen and of the Catholics, it would prove her ruin. He, however, insisted; and she yielded, upon condition that, if he was ever again prevailed upon to dissolve their connection, he should come to her to announce his determination in person.‡

* "Elle a beaucoup d'esprit et de la vivacité, mais elle n'a plus aucune beauté, et est d'une extrême maigreur." Barillon, 7th Feb. 1686. Fox MSS. The insinuation of decline is somewhat singular, as her father was then only forty-six.

† These defects are probably magnified in the verses of Lord Dorset:

"Dorinda's sparkling wit and eyes
United, cast too fierce a light,
Which blazes high, but quickly dies,
Pains not the heart, but hurts the sight.

"Love is a calmer, gentler joy;
Smooth are his looks, and soft his pace:
Her Cupid is a blackguard boy,
That runs his link full in your face."

‡ D'Adda to Cardinal Cybo, 1st Feb. D'Adda MSS.

The title produced the effects she had foreseen. Mary, proud of her beauty, still enamoured of her husband, and full of religious horror at the vices of Mrs. Sedley, gave way to the most clamorous excesses of sorrow and anger at the promotion of her competitor. She spoke to the King with a violence for which she long afterwards reproached herself as a grievous fault. At one time she said to him, "Is it possible that you are ready to sacrifice a crown for your faith, and cannot discard a mistress for it? Will you, for such a passion, lose the merit of your sacrifices?" On another occasion she exclaimed, "Give me my dowry, make her Queen of England, and let me never see her more."* Her transports of grief sometimes betrayed her to foreign ministers; and she neither ate nor spoke with the King at the public dinners of the Court.† The zeal of the Queen for the Catholic religion, and the profane jests of Lady Dorchester against its doctrines and ministers, had rendered them the leaders of the Popish and Protestant parties at Court. The Queen was supported by the Catholic clergy, who, with whatever indulgence their order had sometimes treated regal frailty, could not remain neuter in a contest between an orthodox Queen and an heretical mistress. These intrigues early mingled with the designs of the two ministers, who still appeared to have equal influence in the royal counsels. Lord Rochester, who had felt the decline of the King's confidence from the day of Monmouth's defeat, formed the project of supplanting Lord Sunderland, and of recovering his ascendent in public affairs through the favour of the mistress. Having lived in a court of mistresses, and maintained himself in office by compliance with them ‡, he thought it unlikely that

* Mémoires Historiques de la Reine d'Angleterre, a MS. formerly in possession of the nuns of Chaillot, since in the Archives Générales de France.

† Bonrepaux, 7th Feb. 1686, MSS.—Evelyn, vol. i. p. 584.

‡ Carte, Life of Ormonde, vol. ii. p. 553. The old duke, high-

wherever a favourite mistress existed she could fail to triumph over a queen. As the brother of the first Duchess of York, Mary did not regard him with cordiality: as the leader of the Church party, he was still more obnoxious to her. He and his lady were the principal counsellors of the mistress. They had secretly advised the King to confer on her the title of honour, — probably to excite the Queen to such violence as might widen the rupture between her and the King; and they declared so openly for her as to abstain for several days, during the heat of the contest, from paying their respects to the Queen; — a circumstance much remarked at a time when the custom was still observed, which had been introduced by the companionable humour of Charles, for the principal nobility to appear almost daily at Court. Sunderland, already connected with the Catholic favourites, was now more than ever compelled to make common cause with the Queen. His great strength lay in the priests; but he also called in the aid of Madame Mazarin, a beautiful woman, of weak understanding, but practised in intrigue, who had been sought in marriage by Charles II. during his exile, refused by him after his Restoration, and who, on her arrival in England, ten years after, failed in the more humble attempt to become his mistress.

The exhortations of the clergy, seconded by the beauty, the affection, and the tears of the Queen, prevailed, after a severe struggle, over the ascendant of Lady Dorchester. James sent Lord Middleton, one of his secretaries of state, to desire that she would leave Whitehall, and go to Holland, to which country a yacht was in readiness to convey her. In a letter written by his own hand, he acknowledged that he violated his promise; but excused himself by saying, that he was conscious of not possessing firmness

minded as he was, commended the prudent accommodation of Rochester.

enough to stand the test of an interview. She immediately retired to her house in St. James's Square, and offered to go to Scotland or Ireland, or to her father's estate in Kent; but protested against going to the Continent, where means might be found of immuring her in a convent for life. When threatened with being forcibly carried abroad, she appealed to the Great Charter against such an invasion of the liberty of the subject. The contest continued for some time; and the King's advisers consented that she should go to Ireland, where Rochester's brother was Lord Lieutenant. She warned the King of his danger, and freely told him, that, if he followed the advice of Catholic zealots, he would lose his crown. She represented herself as the Protestant martyr; and boasted, many years afterwards, that she had neither changed her religion, like Lord Sunderland, nor even agreed to be present at a disputation concerning its truth, like Lord Rochester.* After the complete victory of the Queen, Rochester still preserved his place, and affected to represent himself as wholly unconcerned in the affair. Sunderland kept on decent terms with his rival, and dissembled his resentment at the abortive intrigue for his removal. But the effects of it were decisive: it secured the power of Sunderland, rendered the ascendancy of the Catholic counsellors irresistible, gave them a stronger impulse towards violent measures, and struck a blow at the declining credit of Rochester, from which it never recovered. The removal of Halifax was the first step towards the new system of administration; the defeat of Rochester was the second. In the course of these contests, the Bishop of London was removed from the Privy Council for his conduct in the House of Peers; several members of the House of Commons were dismissed from military as well as civil offices for their votes in Parliament; and the place of Lord President

* Halifax MSS.

of the Council was bestowed on Sunderland, to add a dignity which was then thought wanting to his efficient office of Secretary of State.*

The Government now attempted to obtain, by the judgments of courts of law, that power of appointing Catholic officers which Parliament had refused to sanction. Instances had occurred in which the Crown had dispensed with the penalties of certain laws; and the recognition of this dispensing power, in the case of the Catholic officers, by the judges, appeared to be an easy mode of establishing the legality of their appointments. The King was to grant to every Catholic officer a dispensation from the penalties of the statutes which, when adjudged to be agreeable to law by a competent tribunal, might supply the place of a repeal of the Test Act. To obtain the judgment, it was agreed that an action for the penalties should be collusively brought against one of these officers, which would afford an opportunity to the judges to determine that the dispensation was legal. The plan had been conceived at an earlier period, since (as has been mentioned) one of the reasons of the prorogation was an apprehension lest the terrors of Parliament might obtain from the judges an irrevocable opinion against the prerogative. No doubt seems to have been entertained of the compliance of magistrates, who owed their station to the King, who had recently incurred so much odium in his service, and who were removable at his pleasure.† He thought it necessary, however, to ascertain their sentiments. His expectations of their

* These intrigues are very fully related by Bonrepaux, a French minister of talent, at that time sent on a secret mission to London, and by Barillon in his ordinary communications to the King. The despatches of the French ministers afford a new proof of the good information of Burnet; but neither he nor Reresby was aware of the connection of the intrigue with the triumph of Sunderland over Rochester.

† "Les juges *declareront* qu'il est la prérogative du Roi de dispenser des peines portées par la loi." Barillon, 3rd Dec. Fox MSS.

unanimity were disappointed. Sir John Jones, who had presided at the trial of Mrs. Gaunt, Montague, who had accompanied Jeffreys in his circuit, Sir Job Charlton, a veteran royalist of approved zeal for the prerogative, together with Neville, a baron of the Exchequer, declared their inability to comply with the desires of the King. Jones answered him with dignity worthy of more spotless conduct:—"I am not sorry to be removed. It is a relief to a man old and worn out as I am. But I am sorry that your Majesty should have expected a judgment from me which none but indigent, ignorant, or ambitious men could give." James, displeased at this freedom, answered, that he would find twelve judges of his opinion. "Twelve judges, Sir," replied Jones, "you may find; but hardly twelve lawyers." However justly these judges are to be condemned for their former disregard to justice and humanity, they deserve great commendation for having, on this critical occasion, retained their respect for law. James possessed that power of dismissing his judges which Louis XIV. did not enjoy; and he immediately exercised it by removing the uncomplying magistrates, together with two others who held the same obnoxious principles. On the 21st of April, the day before the courts were to assemble in Westminster for their ordinary term, the new judges were appointed; among whom, by a singular hazard, was a brother of the immortal John Milton, named Christopher, then in the seventieth year of his age, who is not known to have had any other pretension except that of having secretly conformed to the Church of Rome.*

* The conversion of Sir Christopher is, indeed, denied by Dodd, the very accurate historian of the English Catholics. Church History, vol. iii. p. 416. To the former concurrence of all contemporaries we may now add that of Evelyn (vol. i. p. 590.) and Narcissus Luttrell. "All the judges," says the latter, "except Mr. Baron Milton, took the oaths in the Court of Chancery. But

Sir Edward Hales, a Kentish gentleman who had been secretly converted to Popery at Oxford by his tutor, Obadiah Walker, of University College (himself a celebrated convert), was selected to be the principal actor in the legal pageant for which the Bench had been thus prepared. He was publicly reconciled to the Church of Rome on the 11th of November, 1685*; he was appointed to the command of a regiment on the 28th of the same month; and a dispensation passed the Great Seal on the 9th of January following, to enable him to hold his commission without either complying with the conditions or incurring the penalties of the statute. On the 16th of June, the case was tried in the Court of King's Bench in the form of an action brought against him by Godden, his coachman, to recover the penalty granted by the statute to a common informer, for holding a military commission without having taken the oaths or the sacrament. The facts were admitted; the defence rested on the dispensation, and the case turned on its validity. Northey, the counsel for Godden, argued the case so faintly and coldly, that he scarcely dissembled his desire and expectation of a judgment against his pretended client. Sir Edward Herbert, the Chief Justice, a man of virtue, but without legal experience or knowledge, who had adopted the highest monarchical principles, had been one of the secret advisers of the exercise of the dispensing power: in his court he accordingly treated the validity of the dispensation as a point of no difficulty, but of such importance that it was proper for him to consult all the other judges respecting it. On the 21st of June, after only five days of seeming deliberation had been allowed to a question on the decision of which the liberties of the kingdom at that moment depended, he delivered the opinion of all the

he, it is said, owns himself a Roman Catholic." MSS. Diary, 8th June.

* Dodd, vol. iii. p. 451.

judges except Street,—who finally dissented from his brethren,—in favour of the dispensation. At a subsequent period, indeed, two other judges, Powell and Atkyns, affirmed that they had dissented, and another, named Lutwych, declared that he had only assented with limitations.* But as these magistrates did not protest at the time against Herbert's statement,—as they delayed their public dissent until it had become dishonourable, and perhaps unsafe, to have agreed with the majority, no respect is due to their conduct, even if their assertion should be believed. Street, who gained great popularity by his strenuous resistance †, remained a judge during the whole reign of James; he was not admitted to the presence of King William ‡, nor re-appointed after the Revolution:—circumstances which, combined with some intimations unfavourable to his general character, suggest a painful suspicion, that the only judge who appeared faithful to his trust was, in truth, the basest of all, and that his dissent was prompted or tolerated by the Court, in order to give a false appearance of independence to the acts of the degraded judges.

In shortly stating the arguments which were employed on both sides of this question, it is not within the province of the historian to imitate the laborious minuteness of a lawyer: nor is it consistent with the faith of history to ascribe reasons to the parties more refined and philosophical than could probably have occurred to them, or influenced the judgment of those whom they addressed. The only specious argument of the advocates of prerogative arose from certain cases in which the dispensing power had been exer-

* Commons' Journals, 18th June, 1689.

† "Mr. Justice Street has lately married a wife, with a good fortune, since his opinion on the dispensing power." Narcissus Luttrell, Oct. 1686.

‡ "The Prince of Orange refused to see Mr. Justice Street. Lord Coote said he was a very ill man." Clarendon, Diary, 27th December, 1688.

cised by the Crown and apparently sanctioned by courts of justice. The case chiefly relied on was a dispensation from the ancient laws respecting the annual nomination of sheriffs; the last of which, passed in the reign of Henry VI.*, subjected sheriffs, who continued in office longer than a year, to certain penalties, and declared all patents of a contrary tenor, even though they should contain an express dispensation, to be void. Henry VII., in defiance of this statute, had granted a patent to the Earl of Northumberland to be sheriff of that county for life; and the judges in the second year of his reign declared that the Earl's appointment was valid. It has been doubted whether there was any such determination in that case; and it has been urged, with great appearance of reason, that, if made, it proceeded on some exceptions in the statute, and not on the unreasonable doctrine, that an Act of Parliament, to which the King was a party, could not restrain his prerogative. These are, however, considerations which are rather important to the character of those ancient judges than to the authority of the precedent. If they did determine that the King had a right to dispense with a statute, which had by express words deprived him of such a right, so egregiously absurd a judgment, probably proceeding from base subserviency, was more fit to be considered as a warning, than as a precedent by the judges of succeeding times. Two or three subsequent cases were cited in aid of this early precedent. But they either related to the remission of penalties in offences against the revenue, which stood on a peculiar ground, or they were founded on the supposed authority of the first case, and must fall with that unreasonable determination. Neither the unguarded expressions of Sir Edward Coke, nor the admissions incidentally made by Serjeant Glanville, in the debates on the Petition of Right, on a point not ma-

* 23 Hen. VI. c. 7.

terial to his argument, could deserve to be seriously discussed as authorities on so momentous a question. Had the precedents been more numerous, and less unreasonable, — had the opinions been more deliberate, and more uniform, they never could be allowed to decide such a case. Though the constitution of England had been from the earliest times founded on the principles of civil and political liberty, the practice of the government, and even the administration of the law had often departed very widely from these sacred principles. In the best times, and under the most regular governments, we find practices to prevail which cannot be reconciled with the principles of a free constitution. During the dark and tumultuous periods of English history, kings had been allowed to do many acts, which, if they were drawn into precedents, would be subversive of public liberty. It is by an appeal to such precedents, that the claim to dangerous prerogatives has been usually justified. The partisans of Charles I. could not deny that the Great Charter had forbidden arbitrary imprisonment, and levy of money, without the consent of Parliament. But in the famous cases of imprisonment by the personal command of the King, and of levying a revenue by writs of Ship-money, they thought that they had discovered a means, without denying either of these principles, of universally superseding their application. Neither in these great cases, nor in the equally memorable instance of the dispensing power, were the precedents such as justified the conclusion. If law could ever be allowed to destroy liberty, it would at least be necessary that it should be sanctioned by clear, frequent, and weighty determinations, by general concurrence of opinion after free and full discussion, and by the long usage of good times. But, as in all doubtful cases relating to the construction of the most unimportant statute, we consider its spirit and object; so, when the like questions arise on the most important part of law,

called the constitution, we must try obscure and contradictory usage by constitutional principles, instead of sacrificing these principles to such usage. The advocates of prerogative, indeed, betrayed a consciousness, that they were bound to reconcile their precedents with reason; for they, too, appealed to principles which they called "constitutional." A dispensing power, they said, must exist somewhere, to obviate the inconvenience and oppression which might arise from the infallible operation of law; and where can it exist but in the Crown, which exercises the analogous power of pardon? It was answered, that the difficulty never can exist in the English Constitution, where all necessary or convenient powers may be either exercised or conferred by the supreme authority of Parliament. The judgment in favour of the dispensing power was finally rested by the judges on still more general propositions, which, if they had any meaning, were far more alarming than the judgment itself. They declared, that "the Kings of England are sovereign princes; that the laws of England are the King's laws; that, therefore, it is an inseparable prerogative in the King of England to dispense with penal laws in particular cases, and on particular necessary reasons, of which reasons and necessities he is the sole judge; that this is not a trust vested in the King, but the ancient remains of the sovereign power of the Kings of England, which never yet was taken from them, nor can be."* These propositions had either no meaning pertinent to the case, or they led to the establishment of absolute monarchy. The laws were, indeed, said to be the King's, inasmuch as he was the chief and representative of the commonwealth, — as they were contradistinguished from those of any other State, — and as he had a principal part in their enactment, and the whole trust of their execution. These expressions were

* State Trials, vol. xi. p. 1199.

justifiable and innocent, as long as they were employed to denote that decorum and courtesy which are due to the regal magistracy: but if they are considered in any other light, they proved much more than the judges dared to avow. If the King might dispense with the laws, because they were *his* laws, he might for the same reason suspend, repeal, or enact them. The application of these dangerous principles to the Test Act was attended with the peculiar absurdity of attributing to the King a power to dispense with provisions of a law, which had been framed for the avowed and sole purpose of limiting his authority. The law had not hitherto disabled a Catholic from filling the throne. As soon, therefore, as the next person in succession to the Crown was discovered to be a Catholic, it was deemed essential to the safety of the Established religion to take away from the Crown the means of being served by Catholic ministers. The Test Act was passed to prevent a Catholic successor from availing himself of the aid of a party, whose outward badge was adherence to the Roman Catholic religion, and who were seconded by powerful allies in other parts of Europe, in overthrowing the Constitution, the Protestant Church, and at last even the liberty of Protestants to perform their worship and profess their faith. To ascribe to that very Catholic successor the right of dispensing with all the securities provided against such dangers arising from himself, was to impute the most extravagant absurdity to the laws. It might be perfectly consistent with the principle of the Test Act, which was intended to provide against temporary dangers, to propose its repeal under a Protestant prince: but it is altogether impossible that its framers could have considered a power of dispensing with its conditions as being vested in the Catholic successor whom it was meant to bind. Had these objections been weaker, the means employed by the King to obtain a judgment in his favour rendered the

whole of this judicial proceeding a gross fraud, in which judges professing impartiality had been named by one of the parties to a question before them, after he had previously ascertained their partiality to him, and effectually secured it by the example of the removal of more independent ones. The character of Sir Edward Herbert makes it painful to disbelieve his assertion, that he was unacquainted with these undue practices; but the notoriety of the facts seems to render it quite incredible. In the same defence of his conduct which contains this assertion, there is another unfortunate departure from fairness. He rests his defence entirely on precedents, and studiously keeps out of view the dangerous principles which he had laid down from the bench as the foundation of his judgment. Public and solemn declarations, which ought to be the most sincere, are, unhappily, among the most disingenuous of human professions. This circumstance, which so much weakens the bonds of faith between men, is not so much to be imputed to any peculiar depravity in those who conduct public affairs, as to the circumstances in which official declarations are usually made. They are generally resorted to in times of difficulty, if not of danger, and are often sure of being countenanced for the time by a numerous body of adherents. Public advantage covers falsehood with a more decent disguise than mere private interest can supply; and the vagueness of official language always affords the utmost facilities for reserve and equivocation. But these considerations, though they may, in some small degree, extenuate the disingenuousness of politicians, must, in the same proportion, lessen the credit which is due to their affirmations.*

* The arguments on this question are contained in the tracts of Sir Edward Herbert, Sir Robert Atkyns, and Mr. Attwood, published after the Revolution. State Trials, vol. xi. p. 1200. That of Attwood is the most distinguished for acuteness and re-

After this determination, the judges on their circuit were not received with the accustomed honours.* Agreeably to the memorable observations of Lord Clarendon in the case of Ship-money, they brought disgrace upon themselves, and weakness upon the whole government, by that base compliance which was intended to arm the monarch with undue and irresistible strength.. The people of England, peculiarly distinguished by that reverence for the law, and its upright ministers, which is inspired by the love of liberty, have always felt the most cruel disappointment, and manifested the warmest indignation, at seeing the judges converted into instruments of oppression or usurpation. These proceedings were viewed in a very different light by the ministers of absolute princes. D'Adda only informed the Papal Court that the King had removed from office some contumacious judges, who had refused to conform to justice and reason on the subject of the King's dispensing power†; and so completely was the spirit of France then subdued, that Barillon, the son of the President of the Parliament of Paris,—the native of a country where the independence of the great tribunals had survived every other remnant of ancient liberty,—describes the removal of judges for their legal opinions as coolly as if he were speaking of the dismissal of an exciseman.‡

The King, having, by the decision of the judges, obtained the power of placing the military and civil authority in the hands of his own devoted adherents, now resolved to exercise that power, by nominating Catholics to stations of high trust, and to reduce the Church of England to implicit obedience by virtue of his ecclesiastical supremacy. Both these measures

search. Sir Edward Herbert's is feebly reasoned, though elegantly written.

* Narcissus Luttrell, 16th August, 1686.

† D'Adda, 3d May. MS.

‡ Barillon, 29th April. Fox MSS.

were agreed to at Hampton Court on the 4th of July; at which result he showed the utmost complacency.* It is necessary to give some explanation of the nature of the second, which formed one of the most effectual and formidable measures of his reign.

When Henry VIII. was declared at the Reformation to be the supreme head of the Church of England, no attempt was made to define, with any tolerable precision, the authority to be exercised by him in that character. The object of the lawgiver was to shake off the authority of the see of Rome, and to make effectual provision that all ecclesiastical power and jurisdiction should be administered, like every other part of the public justice of the kingdom, in the name and by the authority of the King. That object scarcely required more than a declaration that the realm was as independent of foreign power in matters relating to the Church as in any other branch of its legislation.† That simple principle is distinctly intimated in several of the statutes passed on that occasion, though not consistently pursued in any of them. The true principles of ecclesiastical polity were then nowhere acknowledged. The Court of Rome was far from admitting the self-evident truth, that all coercive and penal jurisdiction exercised by the clergy was, in its nature, a branch of the civil power delegated to them by the State, and that the Church as such could exercise only that influence (metaphorically called "authority") over the understanding and conscience which depended on the spontaneous submission of its members: the Protestant sects were not willing to submit their pretensions to the control of the magistrate: and even the Reformed Church of England, though the creature of a statute, showed, at various times, a disposition to claim some rights

* D'Adda, 20th July. MS.

† 24 Hen. VIII. c. 12. 25 Hen. VIII. c. 21. See especially the preambles to these two statutes.

under a higher title. All religious communities were at that time alike intolerant, and there was, perhaps, no man in Europe who dared to think that the State neither possessed, nor could delegate, nor could recognise as inherent in another body, any authority over religious opinions. Neither was any distinction made in the laws to which we have adverted, between the ecclesiastical authority which the King might separately exercise and that which required the concurrence of Parliament. From ignorance, inattention, and timidity, in regard to these important parts of the subject, arose the greater part of the obscurity which still hangs over the limits of the King's ecclesiastical prerogative and the means of carrying it into execution. The statute of the first of Elizabeth which established the Protestant Church of England, enacted that the Crown should have power, by virtue of that act, to exercise its supremacy by Commissioners for Ecclesiastical Causes, nominated by the sovereign, and vested with uncertain and questionable, but very dangerous powers, for the execution of a prerogative of which neither law nor experience had defined the limits. Under the reigns of James and Charles this court had become the auxiliary and rival of the Star Chamber; and its abolition was one of the wisest of those measures of reformation by which the Parliament of 1641 had signalised the first and happiest period of their proceedings.* At the Restoration, when the Church of England was re-established, a part of the Act for the Abolition of the Court of High Commission, taking away coercive power from all ecclesiastical judges and persons, was repealed; but the clauses for the abolition of the obnoxious court, and for prohibiting the erection of any similar court, were expressly re-affirmed.† Such was the state of the law on this subject when James conceived the design of employing his authority as

* 17 Car. I. c. 11. † 13 Car. II. c. 12.

head of the Church of England, as a means of subjecting that Church to his pleasure, if not of finally destroying it. It is hard to conceive how he could reconcile to his religion the exercise of supremacy in a heretical sect, and thus sanction by his example the usurpations of the Tudors on the rights of the Catholic Church. It is equally difficult to conceive how he reconciled to his morality the employment, for the destruction of a community, of a power with which he was intrusted by that community for its preservation. But the fatal error of believing it to be lawful to use bad means for good ends was not peculiar to James, nor to the zealots of his communion. He, indeed, considered the ecclesiastical supremacy as placed in his hands by Providence to enable him to betray the Protestant establishment. "God," said he to Barillon, "has permitted that all the laws made to establish Protestantism now serve as a foundation for my measures to re-establish true religion, and give me a right to exercise a more extensive power than other Catholic princes possess in the ecclesiastical affairs of their dominions."* He found legal advisers ready with paltry expedients for evading the two statutes of 1641 and 1660, under the futile pretext that they forbad only a court vested with such powers of corporal punishment as had been exercised by the old Court of High Commission; and in conformity to their pernicious counsel, he issued, in July, a commission to certain ministers, prelates, and judges, to act as a Court of Commissioners in Ecclesiastical Causes. The first purpose of this court was to enforce directions to preachers, issued by the King, enjoining them to abstain from preaching on controverted questions. It must be owned that an enemy of the Protestant religion, placed at the head of the Church, could not adopt a more perfidious measure. He well knew that the Protestant clergy alone could

* Barillon, 22d July, 1686. Fox MSS.

consider his orders as of any authority: those of his own persuasion, totally exempt from his supremacy, would pursue their course, secure of protection from him against the dangers of penal law. The Protestant clergy were forbidden by their enemy to maintain their religion by argument, when they justly regarded it as being in the greatest danger: they disregarded the injunction, and carried on the controversy against Popery with equal ability and success.

Among many others, Sharpe, Dean of Norwich, had distinguished himself; and he was selected for punishment, on pretence that he had aggravated his disobedience by intemperate language, and by having spoken contemptuously of the understanding of all who could be seduced by the arguments for Popery, including of necessity the King himself, — as if it were possible for a man of sincerity to speak on subjects of the deepest importance without a correspondent zeal and warmth. The mode of proceeding to punishment was altogether summary and arbitrary. Lord Sunderland communicated to the Bishop of London the King's commands, to suspend Sharpe from preaching. The Bishop answered that he could proceed only in a judicial manner, — that he must hear Sharpe in his defence before such a suspension, but that Sharpe was ready to give every proof of deference to the King. The Court, incensed at the parliamentary conduct of the Bishop, saw, with great delight, that he had given them an opportunity to humble and mortify him. Sunderland boasted to the Papal minister, that the case of that Bishop would be a great example.* He was summoned before the Ecclesiastical Commission, and required to answer why he had not obeyed his Majesty's commands to

* "Il Rè, sommaménte inténto a levare gli ostácoli, che possono impedire l'avanzaménto della religióne Cattólica, a trovato il mezzo più atto a mortificáre il maltaléntо di Vescovo di Londra. Sarà un gran buóno e un gran esémpio, come mi ha detto Milord Sunderland." D'Adda, 12th July. MSS.

suspend Sharpe for seditious preaching.* The Bishop conducted himself with considerable address. After several adjournments he tendered a plea to the jurisdiction, founded on the illegality of their commission; and he was heard by his counsel in vindication of his refusal to suspend an accused clergyman until he had been heard in his own defence. The King took a warm interest in the proceedings, and openly showed his joy at being in a condition to strike bold strokes of authority. He received congratulations on that subject with visible pleasure, and assured the French minister that the same vigorous system should be inflexibly pursued.† He did not conceal his resolution to remove any of the commissioners who should not do "his duty."‡ The Princess of Orange interceded in vain with the King for her preceptor, Compton. The influence of the Church party was also strenuously exerted for that prelate. They were not, indeed, aided by the Primate Sancroft, who instead of either attending as a commissioner to support the Bishop of London, or openly protesting against the illegality of the court, petitioned for and obtained from the King leave to be excused from attendance on the ground of age and infirmities.§ By this irresolute and equivocal conduct the Archbishop deserted the Church in a moment of danger, and yet incurred the displeasure of the King. Lord Rochester resisted the suspension, and was supported by Sprat, Bishop of Rochester, and Sir Edward Herbert. Even Jeffreys, for the first

* State Trials, vol. xi. p. 1158.

† Barillon, 29th July. Fox MSS.

‡ Barillon, 1st August. Fox MSS.

§ This petition (in the appendix to Clarendon's Diary) is without a date; but it is a formal one, which seems to imply a regular summons. No such summons could have issued before the 14th July, on which day Evelyn, as one of the Commissioners of the Privy Seal, affixed it to the Ecclesiastical Commission. Sancroft's ambiguous petition was therefore subsequent to his knowledge of Compton's danger, so that the excuses of Dr. D'Oyley (Life of Sancroft, vol. i. p. 225.) cannot be allowed.

time, inclined towards the milder opinion; for neither his dissolute life, nor his judicial cruelty, however much at variance with the principles of religion, were, it seems, incompatible with that fidelity to the Church, which on this and some subsequent occasions prevailed over his zeal for prerogative. A majority of the commissioners were for some time favourable to Compton: Sunderland, and Crew, Bishop of Durham, were the only members of the commission who seconded the projects of the King.* The presence or protest of the Primate might have produced the most decisive effects. Sunderland represented the authority of Government as interested in the judgment, which, if it were not rigorous, would secure a triumph to a disobedient prelate, who had openly espoused the cause of faction. Rochester at length yielded, in the presence of the King, to whatever his Majesty might determine, giving it to be understood that he acted against his own conviction.† His followers made no longer any stand, after seeing the leader of their party, and the Lord High Treasurer of England. set the example of sacrificing his opinion as a judge, in favour of lenity, to the pleasure of the King; and the court finally pronounced sentence of suspension on the Bishop against the declared opinion of three fourths of its members.

The attempts of James to bestow toleration on his Catholic subjects would doubtless, in themselves, deserve high commendation, if we could consider them apart from the intentions which they manifested, and from the laws of which they were a continued breach. But zealous Protestants, in the peculiar circumstances

* "L'Archevesque de Canterbury s'étoit excusé de se trouver à la Commission Ecclésiastique sur sa mauvaise santé et son grand âge. On a pris aussi ce prétexte pour l'exclure de la séance de conseil." Barillon, 21st Oct. Fox MSS.

† Barillon, 16th Sept. and 23d Sept. Fox MSS.; a full and apparently accurate account of these divisions among the commissioners.

of the time, were, with reason, disposed to regard them as measures of hostility against their religion; and some of them must always be considered as daring or ostentatious manifestations of a determined purpose to exalt prerogative above law. A few days after the resolution of the Council for the admission of Catholics to high civil trust, the first step was made to its execution by the appointment of the Lords Powys, Arundel, Bellasis, and Dover, to be Privy Councillors. In a short time afterwards the same honour was conferred on Talbot, who was created Earl of Tyrconnel, and destined to be the Catholic Lord Lieutenant of Ireland. Sheffield, Earl of Mulgrave, a man who professed indifference in religion, but who acquiesced in all the worst measures of this reign, was appointed a member of the Ecclesiastical Commission.* Cartwright, Dean of Ripon, whose talents were disgraced by peculiarly infamous vices, was raised to the vacant bishopric of Chester, in spite of the recommendation of Sancroft, who, when consulted by James, proposed Jeffreys, the Chancellor's brother, for that see.† But the merit of Cartwright, which prevailed even over that connection, consisted in having preached a sermon, in which he inculcated the courtly doctrine, that the promises of kings were declarations of a favourable intention, not to be considered as morally binding. A resolution was taken to employ Catholic ministers at the two important stations of Paris and the Hague; —"it being," said James to Barillon, "almost impossible to find an English Protestant who had not too great a consideration for the Prince of Orange."‡ White, an Irish Catholic of considerable ability, who had received the foreign title of Marquis D'Abbeville, was sent to the Hague, partly, perhaps, with a view

* D'Adda, in his letter, 1st Nov., represents Mulgrave as favourable to the Catholics. MS.

† D'Oyley, Life of Sancroft, vol. i. p. 235., where the Archbishop's letter to the King (dated 29th July, 1685) is printed.

‡ Barillon, 22d July. Fox MSS.

to mortify the Prince of Orange. It was foreseen that the known character of this adventurer would induce the Prince to make attempts to gain him; but Barillon advised his master to make liberal presents to the new minister, who would prefer the bribes of Louis, because the views of that monarch agreed with those of his own sovereign and the interests of the Catholic religion.* James even proposed to the Prince of Orange to appoint a Catholic nobleman of Ireland, Lord Carlingford, to the command of the British regiments; — a proposition, which, if accepted, would embroil that Prince with all his friends in England, and if rejected, as it must have been known that it would be, gave the King a new pretext for displeasure, to be avowed at a convenient season.

But no part of the foreign policy of the King is so much connected with our present subject as the renewal of that open intercourse with the see of Rome which was prohibited by the unrepealed laws passed in the reigns of Henry VIII. and Elizabeth. D'Adda had arrived in England before the meeting of Parliament as the minister of the Pope, but appeared at court, at first, only as a private gentleman. In a short time, James informed him that he might assume the public character of his Holiness's minister, with the privilege of a chapel in his house, and the other honours and immunities of that character, without going through the formalities of a public audience. The assumption of this character James represented as the more proper, because he was about to send a solemn embassy to Rome as his Holiness's most obe-

* "M. le Prince d'Orange fera ce qu'il pourra pour le gagner; mais je suis persuadé qu'il aimera mieux être dans les intérêts de votre Majesté, sachant bien qu'ils sont conformés à ceux du Roi son maître, et que c'est l'avantage de la religion Catholique." Four thousand livres, which Barillon calculates as then equivalent to three hundred pounds sterling, were given to D'Abbeville in London. Two thousand more were to be advanced to him at the Hague. Barillon, 2d Sept. Fox MSS.

dient son.* D'Adda professed great admiration for the pious zeal and filial obedience of the King, and for his determination, as far as possible, to restore religion to her ancient splendour†; but he dreaded the precipitate measures to which James was prompted by his own disposition and by the party of zealots who surrounded him. He did not assume the public character till two months afterwards, when he received instructions to that effect from Rome. Hitherto the King had coloured his interchange of ministers with the Roman Court under the plausible pretext of maintaining diplomatic intercourse with the government of the Ecclesiastical State as much as with the other princes of Europe. But his zeal soon became impatient of this slight disguise. In a few days after D'Adda had announced his intention to assume the public character of a minister, Sunderland came to him to convey his Majesty's desire that he might take the title of Nuncio, which would, in a more formal and solemn manner, distinguish him from other ministers as the representative of the Apostolic See. D'Adda was surprised at this rash proposal‡; about which the Court of Rome long hesitated, from aversion to the foreign policy of James, from a wish to moderate rather than encourage the precipitation of his domestic counsels, and from apprehension of the insults which might be offered to the Holy See, in the sacred person of its Nuncio, by the turbulent and heretical populace of London.

The King had sent the Earl of Castlemaine, the husband of the Duchess of Cleveland, as his ambassador to Rome. "It seemed singular," said Barillon, "that he should have chosen for such a mission a man so little known on his own account, and too well known

* D'Adda, 14th Dec. 1685. MS.

† Id. 31st Dec.

‡ Id. 22d Feb. 1686. "Io resto alquánto sorpréso da questa ambasciata."

on that of his wife."* The ambassador, who had been a polemical writer in defence of the Catholics†, and who was almost the only innocent man acquitted on the prosecutions for the Popish Plot, seems to have listened more to zeal and resentment than to discretion in the conduct of his delicate negotiation. He probably expected to find nothing but religious zeal prevalent in the Papal councils: but Innocent XI. was influenced by his character as a temporal sovereign. He considered James not solely as an obedient son of the Church, but rather as the devoted or subservient ally of Louis XIV. As Prince of the Roman state, he resented the outrages offered to him by that monarch, and partook with all other states the dread justly inspired by his ambition and his power. Even as head of the Church, the merits of Louis as the persecutor of the Protestants ‡ did not, in the eye of Innocent, atone for his encouraging the Gallican Church in their recent resistance to the unlimited authority of the Roman Pontiff. These discordant feelings and embroiled interests, which it would have required the utmost address and temper to reconcile, were treated by Castlemaine with the rude hand of an inexperienced zealot. Hoping, probably, to be received with open arms as the forerunner of the reconciliation of a great kingdom, he was displeased at the reserve and coldness with which the Pontiff treated him; and instead of patiently labouring to overcome obstacles which he ought to have foreseen, he resented them with a violence more than commonly foreign to the decorum of the Papal court. He was instructed to solicit a cardinal's hat

* Barillon, 29th Oct. 1685. Fox, app. p. cxxii.

† Dodd, vol. iii. p. 450.

‡ It appears by the copy of a letter in my possession from Don Pedro Ronquillo, the Spanish ambassador in London, to Don Francesco Bernado de Quixos (dated 5th April, 1686), that Innocent, though he publicly applauded the zeal of Louis, did not in truth approve the revocation of the Edict of Nantes.

for Prince Rinaldo of Este, the Queen's brother;—a moderate suit, the consent to which was for a considerable time retarded by an apprehension of strengthening the French interest in the Sacred College. The second request was that the Pope would confer a titular bishopric * on Edward Petre, an English Jesuit of noble family, who, though not formally the King's confessor †, had more influence on his mind than any other ecclesiastic. This honour was desired in order to qualify this gentleman for performing with more dignity the duties of Dean of the Chapel Royal. Innocent declined, on the ground that the Jesuits were prohibited by their institution from accepting bishoprics, and that he would sooner make a Jesuit a cardinal than a bishop. But as the Popes had often dispensed with this prohibition, Petre himself rightly conjectured that the ascendant of the Austrian party at Rome,—who looked on him with an evil eye as a partisan of France,—was the true cause of the refusal. ‡ The King afterwards solicited for his favourite the higher dignity of cardinal: but he was finally refused, though with profuse civility §, from the same motive, but under the pretence that there had been no Jesuit cardinal since Bellarmine, the great controversialist of the Roman Catholic Church. ‖ Besides these personal objects, Castlemaine laboured to reconcile the Pope to Louis XIV., and to procure the interposition of Innocent for the preservation of the general peace. But of these objects, specious as they were, the attainment of the first would strengthen France, and that of the

* "In partibus infidelium," as it is called. Barillon, 27th June. Fox MSS.

† This office was held by a learned Jesuit, named Warner. Dodd, vol. iii. p. 491.

‡ Barillon, 20th Dec. 1686. Fox MSS.

§ Dodd, vol. iii. p. 511., where the official correspondence in 1687 is published.

‖ D'Adda, 8th August, 1687. MS.

second imported a general acquiescence in her unjust aggrandisement. Even the triumph of monarchy and Popery in England, together with the projects already entertained for the suppression of the "Northern heresy," as the Reformation was then called, and for the conquest of Holland, which was considered as a nest of heretics, could not fail to alarm the most zealous of those Catholic powers who dreaded the power of Louis, and who were averse to strengthen his allies. It was impossible that intelligence of such suggestions at Rome should not immediately reach the courts of Vienna and Madrid, or should not be communicated by them to the Prince of Orange. Castlemaine suffered himself to be engaged in contests for precedency with the Spanish minister, which served, and were perhaps intended, to embroil him more deeply with the Pope. James at first resented the refusal to promote Petre *, and for a time seemed to espouse the quarrel of his ambassador. D'Adda was obliged, by his station, and by his intercourse with Lord Sunderland, to keep up friendly appearances with Petre; but Barillon easily discovered that the Papal minister disliked that Jesuit and his order, whom he considered as devoted to France. † The Pope instructed his minister to complain of the conduct of Castlemaine, as very ill becoming the representative of so pious and so prudent a king; and D'Adda made the representation to James at a private audience where the Queen and Lord Sunderland were present. That zealous princess, with more fervour than dignity, often interrupted his narrative by exclamations of horror at the liberty with which a Catholic minister had spoken to the successor of St. Peter. Lord Sunderland said to him, "The King will do whatever you please." James professed the most unbounded devotion to the Holy See, and assured D'Adda that he

* Barillon, 2d Dec. 1686. Fox MSS.

† Barillon, 17th June, 1686,—10th March, 1687. Fox MSS.

would write a letter to his Holiness, to express his regret for the unbecoming conduct of his ambassador.* When this submission was made, Innocent formally forgave Castlemaine for his indiscreet zeal in promoting the wishes of his sovereign †: and James publicly announced the admission of his ambassador at Rome into the Privy Council, both to console the unfortunate minister, and to show the more how much he set at defiance the laws which forbade both the embassy and the preferment. ‡

CHAPTER III.

STATE OF THE ARMY. — ATTEMPTS OF THE KING TO CONVERT IT. — THE PRINCESS ANNE. — DRYDEN. — LORD MIDDLETON AND OTHERS. — REVOCATION OF THE EDICT OF NANTES. — ATTEMPT TO CONVERT ROCHESTER. — CONDUCT OF THE QUEEN. —RELIGIOUS CONFERENCE.—FAILURE OF THE ATTEMPT. — HIS DISMISSAL.

DURING the summer of 1686, the King had assembled a body of 15,000 troops, who were encamped on Hounslow Heath ;—a spectacle new to the people of England, who, though full of martial spirit, have never regarded with favour the separate profession of arms.§ He viewed this encampment with a compla-

* D'Adda, 30th May,—6th June, 1687. MS.

† Letter of Innocent to James, 16th Aug. Dodd, vol. iii. p. 511.

‡ London Gazette, 26th Sept.

§ The army, on the 1st of January, 1685, amounted to 19,978. Accounts in the War Office. The number of the army in Great Britain in 1824 is 22,019 (Army Estimates), the population being 14,391,681 (Population Returns) ; which gives a proportion of nearly one out of every 654 persons, or of one soldier out of every 160 men of the fighting age. The population of England and Wales, in 1685, not exceeding five millions, the proportion of the army to it was one soldier to every 250 persons, or of one soldier to every sixty-five men of the fighting age. Scotland, in 1685.

cency natural to princes, and he expressed his feelings to the Prince of Orange in a tone of no friendly boast.* He caressed the officers, and he openly declared that he should keep none but those on whom he could rely.† A Catholic chapel was opened in the camp, and missionaries were distributed among the soldiers. The numbers of the army rendered it an object of very serious consideration. Supposing them to be only 32,000 in England and Scotland alone, they were twice as many as were kept up in Great Britain in the year 1792, when the population of the island had certainly more than doubled. As this force was kept on foot without the consent of parliament, there was no limit to its numbers, but the means of supporting it possessed by the King; which might be derived from the misapplication of funds granted for other purposes, or be supplied by foreign powers interested in destroying the liberties of the kingdom. The means of governing it were at first a source of perplexity to the King, but in the sequel, a new object of apprehension to the people. The Petition of Right‡, in affirmance of the ancient laws, had forbidden the exercise of martial law within the kingdom; and the ancient mode of establishing those summary jurisdictions and punishments which seem to be necessary to secure the obedience of armies was, in a great measure, wanting. The servile ingenuity of aspiring lawyers was, therefore, set at work to devise some new expedient for more easily destroying the constitution, according to the forms of law. For

had a separate establishment. The army of James, at his accession, therefore, was more than twice and a half greater in comparison with the population than the present force (1822). The comparative wealth, if it could be estimated, would probably afford similar results.

* James to the Prince of Orange, 29th June. Dalrymple, app. to books iii. & iv.

† Barillon, 8th July, Ibid.

‡ 3 Car. I. c. 1.

this purpose they revived the provisions of some ancient statutes *, which had made desertion a capital felony; though these were, in the opinion of the best lawyers, either repealed, or confined to soldiers serving in the case of actual or immediately impending hostilities. Even this device did not provide the means of punishing the other military offences, which are so dangerous to the order of armies, that there can be little doubt of their having been actually punished by other means, however confessedly illegal. Several soldiers were tried, convicted, and executed for the felony of desertion; and the scruples of judges on the legality of these proceedings induced the King more than once to recur to his ordinary measure for the purification of tribunals by the removal of the judges. Sir John Holt, who was destined, in better times, to be one of the most inflexible guardians of the laws, was also then dismissed from the recordership of London.

The only person who ventured to express the general feeling respecting the army was Mr. Samuel Johnson, who had been chaplain to Lord Russell, and who was then in prison for a work which he had published some years before against the succession of James, under the title of "Julian the Apostate."† He now wrote, and sent to an agent to be dispersed (for there was no proof of actual dispersion or sale ‡), an address to the army, expostulating with them on the danger of serving under illegally commissioned officers, and for objects inconsistent with the safety of their country. He also wrote another paper, in which he asserted that "resistance may be used in case our religion or our rights should be invaded." For these acts he was tried, convicted, and sentenced to pay a

* 7 Hen. VII. c. 1. 3 Hen. VIII. c. 5.; & 2 & 3 Edw. VI. c. 2. See Hale, Pleas of the Crown, book i. c. 63.

† State Trials, vol. xi. p. 1339.

‡ In fact, however, many were dispersed. Kennet, History, vol. iii. p. 450.

small fine, to be thrice pilloried, and to be whipped by the common hangman from Newgate to Tyburn. For both these publications, his spirit was, doubtless, deserving of the highest applause. The prosecution in the first case can hardly be condemned, and the conviction still less: but the cruelty of the punishment reflects the highest dishonour on the judges, more especially on Sir Edward Herbert, whose high pretensions to morality and humanity deeply aggravate the guilt of his concurrence in this atrocious judgment. Previous to its infliction, he was degraded from his sacred character by Crew, Sprat, and White, three bishops authorised to exercise ecclesiastical jurisdiction in the diocese of London during the suspension of Compton. When, as part of the formality, the Bible was taken out of his hands, he struggled to preserve it, and bursting, into tears, cried out, „ You cannot take from me the consolation contained in the sacred volume." The barbarous judgment was "executed with great rigour and cruelty."* In the course of a painful and ignominious progress of two miles through crowded streets, he received 317 stripes, inflicted with a whip of nine cords knotted. It will be a consolation to the reader, as soon as he has perused the narrative of these enormities, to learn, though with some disturbance of the order of time, that amends were in some measure made to Mr. Johnson, and that his persecutors were reduced to the bitter mortification of humbling themselves before their victim. After the Revolution, the judgment pronounced on him was voted by the House of Commons to be illegal and cruel.† Crew, Bishop of Durham, one of the commissioners who deprived him,

* Commons' Journals, 24th June, 1690. These are the words of the Report of a Committee who examined evidence on the case, and whose resolutions were adopted by the House. They sufficiently show that Echard's extenuating statements are false.

† Ibid.

made him a considerable compensation in money *; and Withins, the judge who delivered the sentence, counterfeited a dangerous illness, and pretended that his dying hours were disturbed by the remembrance of what he had done, in order to betray Johnson, through his humane and Christian feelings, into such a declaration of forgiveness as might contribute to shelter the cruel judge from further animadversion. †

The desire of the King to propagate his religion was a natural consequence of zealous attachment to it. But it was a very dangerous quality in a monarch, especially when the principles of religious liberty were not adopted by any European government. The royal apostle is seldom convinced of the good faith of the opponent whom he has failed to convert: he soon persuades himself that the pertinacity of the heretic arises more from the depravity of his nature than from the errors of his judgment. He first shows displeasure to his perverse antagonists; he then withdraws advantages from them; he, in many cases, may think it reasonable to bring them to reflection by some degree of hardship; and the disappointed disputant may at last degenerate into the furious persecutor. The attempt to convert the army was peculiarly dangerous to the King's own object. He boasted of the number of converts in one of his regiments of Guards, without considering the consequences of teaching controversy to an army. The political canvass carried on among the officers, and the controversial sermons preached to the soldiers, probably contributed to awaken that spirit of inquiry and discussion in his camp which he ought to have dreaded as his most formidable enemy. He early destined the revenue of the Archbishop of York to be a provision for converts ‡, — being probably sincere in his professions,

* Narcissus Luttrell, February, 1690.
† State Trials, vol. xi. p. 1354.
‡ D'Adda, 10th May, 1686. MS.

that he meant only to make it one for those who had sacrificed interest to religion. But experience shows how easily such a provision swells into a reward, and how naturally it at length becomes a premium for hypocrisy. It was natural that his passion for making proselytes should show itself towards his own children. The Pope, in his conversations with Lord Castlemaine, said, that without the conversion of the Princess Anne, no advantage obtained for the Catholic religion could be permanently secured.* The King assented to this opinion, and had, indeed, before attempted to dispose his daughter favourably to his religion, influenced probably by the parental kindness, which was one of his best qualities. † He must have considered as hopeless the case of his eldest daughter, early removed from her father, and the submissive as well as affectionate wife of a husband of decisive character, who was also the leader of the Protestant cause. To Anne, therefore, his attention was turned: but with her he found insurmountable difficulties. Both these princesses, after their father had become a Catholic, were considered as the hope of the Protestant religion, and accordingly trained in the utmost horror of Popery. Their partialities and resentments were regulated by difference of religion; their political importance and their splendid prospects were dependent on the Protestant Church. Anne was surrounded by zealous Churchmen; she was animated by her preceptor, Compton; her favourites, Lord and Lady Churchill, had become determined partisans of Protestantism; and the King found, in the obstinacy of his daughter's character, a resistance hardly to be apprehended from a young princess of slight understanding.‡ Some of the reasons of this zeal for converting her clearly show that, whether the succession was ac-

* Barillon, 27th June. Fox MSS. † D'Adda, suprà.
‡ Barillon, suprà.

tually held out to her as a lure or not, at least there was an intention, if she became a Catholic, to prefer her to the Princess of Orange. Bonrepos, a minister of ability, had indeed, at a somewhat earlier period, tried the effect of that temptation on her husband, Prince George.* He ventured to ask his friend the Danish envoy, "whether the Prince had any ambition to raise his consort to the throne at the expense of the Princess Mary, which seemed to be practicable if he became a Catholic." The envoy hinted this bold suggestion to the Prince, who appeared to receive it well, and even showed a willingness to be instructed on the controverted questions. Bonrepos found means to supply the Princess Anne with Catholic books, which, for a moment, she showed some willingness to consider. He represented her to his Court as timid and silent, but ambitious and of some talent, with a violent hatred for the Queen. He reported his attempts to the King, who listened to him with the utmost pleasure; and the subtle diplomatist observes, that, though he might fail in the conversion, he should certainly gain the good graces of James by the effort, which his knowledge of that monarch's hatred of the Prince of Orange had been his chief inducement to hazard.

The success of the King himself, in his attempts to make proselytes, was less than might have been expected from his zeal and influence. Parker, originally a zealous Nonconformist, afterwards a slanderous buffoon, and an Episcopalian of persecuting principles, earned the bishopric of Oxford by showing a strong disposition to favour, if not to be reconciled to the Church of Rome. Two bishops publicly visited Mr. Leyburn the Catholic prelate, at his apartments in St. James's Palace, on his being made almoner to the King, when it was, unhappily, impossible to impute their conduct to liberality or charity.† Walker, the

* Bonrepos, 28th March. Fox MSS.

† D'Adda, 21st January, 1686. MS. The King and Queen.

Master of University College in Oxford, and three of the felolws of that society, were the earliest and most noted of the few open converts among the clergy. L'Estarnge, though he had for five-and-twenty years written all the scurrilous libels of the Court, refused to abandon the Protestant Church. Dryden, indeed, conformed to the doctrines of his master *; and neither the critical time, nor his general character, have been sufficient to deter some of the admirers of that great poet from seriously maintaining that his conversion was real. The same persons who make this stand for the conscientious character of the poet of a profligate court, have laboured with all their might to discover and exaggerate those human frailties from which fervid piety and intrepid integrity did not altogether preserve Milton, in the evil days of his age, and poverty, and blindness.† The King failed in a personal attempt to convert Lord Dartmouth, whom he considered as his most faithful servant, for having advised him to bring Irish troops into England, such being more worthy of trust than others‡;—a remark-

took the sacrament at St. James's Chapel. "Monsig^re Vescovo Leyburn, passato da alcuni giorni nell' apartamento de St. James destinato al gran Elimosiniere de S. M. in habito lungo nero portando la croce nera, si fa vedere in publico visitando i ministri del Principe e altri: furono un giorno per fargli una visita due vescovi Protestanti." As this occurred before the promotion of the two profligate prelates, Parker and Cartwright, one of these visitors must have been Crew, and the other was, too probably, Sprat. The former had been appointed Clerk of the Closet, and Dean of the Chapel Royal, a few days before.

* "Dryden, the famous play-writer, and his two sons, and Mrs. Nelly, were said to go to mass. Such proselytes were no great loss to the Church." Evelyn, vol. i. p. 594. The rumour, as far as it related to Mrs. Gwynne, was calumnious.

† Compare Dr. Johnson's biography of Milton with his generally excellent life of Dryden.

‡ D'Adda, 10th May. MS. "Diceva il Re che il detto Milord veramente gli aveva dato consigli molto fedeli, uno di quelli era stato di far venire truppi Irlandesi in Inghilterra, nelli quali poteva S. M. meglio fidarsi che negli altri."

able instance of a man of honour adhering inflexibly to the Church of England, though his counsels relating to civil affairs were the most fatal to public liberty. Middleton, one of the secretaries of state, a man of ability, supposed to have no strong principles of religion, was equally inflexible. The Catholic divine who was sent to him began by attempting to reconcile his understanding to the mysterious doctrine of transubstantiation. "Your Lordship," said he, "believes the Trinity." — "Who told you so?" answered Middleton; "you are come here to prove your own opinions, not to ask about mine." The astonished priest is said to have immediately retired. Sheffield, Earl of Mulgrave, is also said to have sent away a monk who came to convert him by a jest upon the same doctrine: — "I have convinced myself," said he, "by much reflection, that God made man; but I cannot believe that man can make God." But though there is no reason to doubt his pleasantry or profaneness, his integrity is more questionable.* Colonel Kirke, from whom strong scruples were hardly to be expected, is said to have answered the King's desire, that he would listen to Catholic divines, by declaring, that when he was at Tangier he had engaged himself to the Emperor of Morocco, if ever he changed his religion, to become a Mahometan. Lord Churchill, though neither insen-

* He had been made Lord Chamberlain immediately after Jeffreys' circuit, and had been appointed a member of the Ecclesiastical Commission, in November, 1685, when Sancroft refused to act, in which last office he continued to the last. He held out hopes that he might be converted to a very late period of the reign (Barillon, 30th August, 1687), and was employed by James to persuade Sir George Mackenzie to consent to the removal of the Test. (Halifax MSS.) He brought a patent for a marquisate to the King half-an-hour before King James went away. (Ibid.) In October, 1688, he thought it necessary to provide against the approaching storm by obtaining a general pardon. Had not Lord Mulgrave written some memoirs of his own time, his importance as a statesman would not have deserved so full an exposure of his political character.

sible to the kindness of James, nor distinguished by a strict conformity to the precepts of Religion, withstood the attempts of his generous benefactor to bring him over to the Church of Rome. He said of himself, "that though he could not lead the life of a saint, he was resolved, if there was ever occasion for it, to show the resolution of a martyr."* So much constancy in religious opinion may seem singular among courtiers and soldiers: but it must be considered, that the inconsistency of men's actions with their opinions is more often due to infirmity than to insincerity: that the members of the Protestant party were restrained from deserting it by principles of honour; and that the disgrace of desertion was much aggravated by the general unpopularity of the adverse cause, and by the violent animosity then raging between the two parties who divided England and Europe.

Nothing so much excited the abhorrence of all Protestant nations against Louis XIV., as the measures which he adopted against his subjects of that religion. As his policy on that subject contributed to the downfal of James, it seems proper to state it more fully than the internal occurrences of a foreign country ought generally to be treated in English history. The opinions of the Reformers, which triumphed in some countries of Europe, and were wholly banished from others, had very early divided France and Germany into two powerful but unequal parties. The wars between the princes of the Empire which sprung from this source, after a period of 150 years, were finally composed by the treaty of Westphalia. In France, where religious enthusiasm was exasperated by the lawless character and mortal animosities, of civil war, these hostilities raged for nearly forty years with a violence unparalleled in any civilised age or country. As soon as Henry IV. had established his authority by conformity to the worship

* Coxe, Memoirs of the Duke of Marlborough, vol. i. p. 27.

of the majority of his people, the first object of his paternal policy was to secure the liberty of the Protestants, and to restore the quiet of the kingdom by a general law on this equally arduous and important subject. The contending opinions in their nature admitted no negotiation or concession. The simple and effectual expedient of permitting them all to be professed with equal freedom was then untried in practice, and almost unknown in speculation. The toleration of error, according to the received principles of that age, differed little from the permission of crimes. Amidst such opinions it was extremely difficult to frame a specific law for the government of hostile sects; and the Edict of Nantes, passed by Henry for that purpose in the year 1598, must be considered as honourable to the wisdom and virtue of his Catholic counsellors. This Edict *, said to be composed by the great historian De Thou, was based on the principle of a treaty of peace between belligerent parties, sanctioned and enforced by the royal authority. Though the transaction was founded merely in humanity and prudence, without any reference to religious liberty, some of its provisions were conformable to the legitimate results of that great principle. All Frenchmen of the reformed religion were declared to be admissible to every office, civil and military, in the kingdom; and they were received into all schools and colleges without distinction. Dissent from the Established Church was exempted from all penalty or civil inconvenience. The public exercise of the Protestant religion was confined to those cities and towns where it had been formerly granted, and to the mansions of the gentry who had seignorial jurisdiction over capital crimes. It might, however, be practised in other places by the permission of the Catholics, who were lords of the respective manors. Wherever

* The original is to be found in Benoit, Histoire de l'Edit de Nantes, vol. i. app. pp. 62—85.

the worship of the Protestants was lawful, their religious books might freely be bought and sold. They might inhabit any part of the kingdom without molestation for their opinion; and private worship was every where protected by the exemption of their houses from all legal search on account of religion. These restrictions, though they show the Edict to have been a pacification between parties, with little regard to the conscience of individuals, yet do not seem in practice to have much limited the religious liberty of French Protestants. To secure an impartial administration of justice, Chambers, into which Protestants and Catholics were admitted in equal numbers, were established in the principal parliaments.* The Edict was declared to be a perpetual and irrevocable law. By a separate grant executed at Nantes, the King authorised the Protestants, for eight years, to garrison the towns and places of which they were at that time in military possession, and to hold them under his authority and obedience. The possession of these places of security was afterwards continued from time to time, and the expense of their garrisons defrayed by the Crown. Some cities also, where the majority of the inhabitants were Protestants, and where the magistrates, by the ancient constitution, regulated the armed force, with little dependence on the Crown, such as Nismes, Rochelle, and Montauban†, though not formally garrisoned by the Reformed, still constituted a part of their military security for the observance of the Edict. An armed sect of dissenters must have afforded many plausible pretexts for attack; and Cardinal Richelieu had justifiable reasons of policy for depriving the Protestants of those important

* Paris, Toulouse, Grenoble, and Bourdeaux. The Chamber of the Edict at Paris took cognisance of all causes where Protestants were parties in Normandy and Britany.

† Cautionary Towns. — "La Rochelle surtout avait des traités avec les Rois de France qui la rendoient presque indépendante." Benoit, vol. i. p. 251.

fortresses, the possession of which gave them the character of an independent republic, and naturally led them into dangerous connection with Protestant and rival states. His success in accomplishing that important enterprise is one of the most splendid parts of his administration; though he owed the reduction of Rochelle to the feebleness and lukewarmness, if not to the treachery, of the Court of England. Richelieu discontinued the practice of granting the royal licence to the Protestant body to hold political assemblies; and he adopted it as a maxim of permanent policy, that the highest dignities of the army and the state should be granted to Protestants only in cases of extraordinary merit. In other respects that haughty minister treated them as a mild conqueror. When they were reduced to entire submission, in 1629, an edict of pardon was issued at Nismes, confirming all the civil and religious principles which had been granted by the Edict of Nantes.* At the moment that they were reduced to the situation of private subjects, they disappear from the history of France. They are not mentioned in the dissensions which disturbed the minority of Louis XIV., nor are they named by that Prince in the enumeration which he gives of objects of public anxiety at the period which preceded his assumption of the reins of government, in 1660. The great families attached to them by birth and honour during the civil wars were gradually allured to the religion of the Court; while those of inferior condition, like the members of other sects excluded from power, applied themselves to the pursuit of wealth, and were patronised by Colbert as the most ingenious manufacturers in France. A declaration, prohibiting the relapse of converted Protestants under pain of con-

* Benoit, vol. ii. app. 92. Madame de Duras, the sister of Turenne, was so zealous a Protestant that she wished to educate as a minister, her son, who afterwards went to England, and became Lord Feversham. Vol. iv. p. 129.

fiscation, indicated a disposition to persecute, which that prudent minister had the good fortune to check. An edict punishing emigration with death, though long after turned into the sharpest instrument of intolerance, seems originally to have flowed solely from the general prejudices on that subject, which have infected the laws and policy of most states. Till the peace of Nimeguen, when Louis had reached the zenith of his power, the French Protestants experienced only those minute vexations from which sectaries, discouraged by a government, are seldom secure.

The immediate cause of a general and open departure from the moderate system, under which France had enjoyed undisturbed quiet for half a century, is to be discerned only in the character of the King, and the inconsistency of his conduct with his opinions. Those conflicts between his disorderly passions and his unenlightened devotion, which had long agitated his mind, were at last composed under the ascendant of Madame de Maintenon; and in this situation he was seized with a desire of signalising his penitence, and atoning for his sins, by the conversion of his heretical subjects.* Her prudence as well as moderation prevented her from counselling the employment of violence against the members of her former religion; nor do such means appear to have been distinctly contemplated by the King;—still she dared not moderate the zeal on which her greatness was founded. But the passion for conversion, armed with absolute power, fortified by the sanction of mistaken conscience, intoxicated by success, exasperated by resistance, anticipated and carried beyond its purpose by the zeal of subaltern agents, deceived by their false representations, often irrevocably engaged by their rash acts, and too warm to be considerate in choosing means or

* "Le Roi pense sérieusement à la conversion des hérétiques, et dans peu on y travaillera tout de bon." Mad. de Maintenon, Oct. 28th, 1679.

weighing consequences, led the government of France, under a prince of no cruel nature, by an almost unconscious progress, in the short space of six years, from a successful system of toleration to the most unprovoked and furious persecution ever carried on against so great, so innocent, and so meritorious a body of men. The Chambers of the Edict were suppressed on general grounds of judicial reformation, and because the concord between the two religions rendered them no longer necessary. By a series of edicts the Protestants were excluded from all public offices, and from all professions which were said to give them a dangerous influence over opinion. They were successively rendered incapable of being judges, advocates, attorneys, notaries, clerks, officers, or even attendants of courts of law. They were banished in multitudes from places in the revenue, to which their habit of method and calculation had directed their pursuits. They were forbidden to exercise the occupations of printers and booksellers.* Even the pacific and neutral profession of medicine, down to its humblest branches, was closed to their industry. They were prohibited from intermarriage with Catholics, and from hiring Catholic domestics, without exception of convenience or necessity. Multitudes of men were thus driven from their employments, without any regard to the habits, expectations, and plans, which they had formed on the faith of the laws. Besides the misery which immediately flowed from these acts of injustice, they roused and stimulated the bigotry of those, who need only the slightest mark of the temper of government to inflict on their dissenting countrymen those minute but ceaseless vexations which embitter the daily course of human life.

As the Edict of Nantes had only permitted the public worship of Protestants in certain places, it had

* It is singular that they were not excluded from the military service by sea or land.

often been a question whether particular churches were erected conformably to that law. The renewal and multiplication of suits on this subject furnished the means of striking a dangerous blow against the Reformed religion. Prejudice and servile tribunals adjudged multitudes of churches to be demolished by decrees which were often illegal, and always unjust. By these judgments a hundred thousand Protestants were, in fact, prohibited from the exercise of their religion. They were deprived of the means of educating their clergy by the suppression of their flourishing colleges at Sedan, Saumur, and Montauban, which had long been numbered among the chief ornaments of Protestant Europe. Other expedients were devised to pursue them into their families, and harass them in those situations where the disturbance of quiet inflicts the deepest wounds on human nature. The local judges were authorised and directed to visit the death-beds of Protestants, and to interrogate them whether they determined to die in obstinate heresy. Their children were declared competent to abjure their errors at the age of seven; and by such mockery of conversion they might escape, at that age, from the affectionate care of their parents. Every childish sport was received as evidence of abjuration; and every parent dreaded the presence of a Catholic neighbour, as the means of ensnaring a child into irrevocable alienation. Each of these disabilities or severities was inflicted by a separate edict; and each was founded on the allegation of some special grounds, which seemed to guard against any general conclusion at variance with the privileges of Protestants.

On the other hand, a third of the King's savings on his privy purse was set apart to recompense converts to the Established religion. The new converts were allowed a delay of three years for the payment of their debts; and they were exempted for the same period from the obligation of affording quarters to soldiers. This last privilege seems to have suggested to Louvois,

a minister of great talent but of tyrannical character, a new and more terrible instrument of conversion. He despatched regiments of dragoons into the Protestant provinces, with instructions that they should be almost entirely quartered on the richer Protestants. This practice, which afterwards, under the name of "*Dragonnades*," became so infamous throughout Europe, was attended by all the outrages and barbarities to be expected from a licentious soldiery let loose on those whom they considered as the enemies of their King, and the blasphemers of their religion. Its effects became soon conspicuous in the feigned conversion of great cities and extensive provinces; which, instead of opening the eyes of the Government to the atrocity of the policy adopted under its sanction, served only to create a deplorable expectation of easy, immediate, and complete success. At Nismes, 60,000 Protestants abjured their religion in three days. The King was informed by one despatch that all Poitou was converted, and that in some parts of Dauphiné the same change had been produced by the terror of the dragoons without their actual presence.*

All these expedients of disfranchisement, chicane, vexation, seduction, and military licence, almost amounting to military execution, were combined with declarations of respect for the Edict of Nantes, and of resolutions to maintain the religious rights of the new churches. Every successive edict spoke the language of toleration and liberality: every separate exclusion was justified on a distinct ground of specious policy. The most severe hardships were plausibly represented as necessarily arising from a just interpretation and administration of the law. Many of the restrictions were in themselves small; many tried in one province,

* Lémontey, Nouveaux Mémoires de Dangeau, p. 19. The fate of the province of Bearn was peculiarly dreadful. It may be seen in Rulhière (Eclaircissemens, &c. chap. xv.), and Benoît, liv. xxii.

and slowly extended to all; some apparently excused by the impatience of the sufferers under preceding restraints. In the end, however, the unhappy Protestants saw themselves surrounded by a persecution which, in its full extent, had probably never been contemplated by the author; and, after all the privileges were destroyed, nothing remained but the formality of repealing the law by which these privileges had been conferred.

At length, on the 18th of October, 1685, the Government of France, not unwillingly deceived by feigned conversions, and, as it now appears, actuated more by sudden impulse than long-premeditated design, revoked the Edict of Nantes. In the preamble of the edict of revocation it was alleged, that, as the better and greater part of those who professed the pretended Reformed religion had embraced the Catholic faith, the Edict of Nantes had become unnecessary. The ministers of the Reformed faith were banished from France in fifteen days, under pain of the galleys. All Protestant schools were shut up; and the unconverted children, at first allowed to remain in France without annoyance on account of their religion, were soon afterwards ordered to be taken from their parents, and committed to the care of their nearest Catholic relations, or, in default of such relations, to the magistrates. The return of the exiled ministers, and the attendance on a Protestant church for religious worship, were made punishable with death. Carrying vengeance beyond the grave, another edict enjoined, that if any new converts should refuse the Catholic sacraments on their death-bed, when required to receive them by a magistrate, their bodies should be drawn on a hurdle along the public way, and then cast into the common sewers.

The conversion sought by James with most apparent eagerness was that of Lord Rochester. Though he had lost all favour, and even confidence, James long hesitated to remove him from office. The latter

87431

was willing, but afraid to take a measure which would involve a final rupture with the Church of England. Rochester's connection with the family of Hyde, and some remains perhaps of gratitude for past services, and a dread of increasing the numbers of his enemies, together with the powerful influence of old habits of intimacy, kept his mind for some time in a state of irresolution and fluctuation. His dissatisfaction with the Lord Treasurer became generally known in the summer, and appears to have been considerably increased by the supposed connection of that nobleman with the episcopalian administration in Scotland; of whose removal it will become our duty presently to speak.* The sudden return of Lady Dorchester revived the spirits of his adherents.† But the Queen, a person of great importance in these affairs, was, on this occasion, persuaded to repress her anger, and to profess a reliance on the promise made by the King not to see his mistress.‡ Formerly, indeed, the violence of the Queen's temper is said to have been one source of her influence over the King; and her ascendancy was observed to be always greatest after those paroxysms of rage to which she was excited by the detection of his infidelities. But, in circumstances so critical, her experienced advisers dissuaded her from repeating hazardous experiments §; and the amours of her husband are said, at this time, to have become so vulgar and obscure as to elude her vigilance. She

* Barillon, 18th July. Fox MSS.

† Id. 2d Sept. Ibid.

‡ Report of an agent of Louis XIV. in London, in 1686, of which a copy is in my possession.

§ In a MS. among the Stuart papers in possession of his Majesty, which was written by Sheridan, Secretary for Ireland under Tyrconnel, we are told that Petre and Sunderland agreed to dismiss Mrs. Sedley, under pretence of morality, but really because she was thought the support of Rochester; and that it was effected by Lady Powis and Bishop Giffard, to the Queen's great joy. See farther Barillon, 5th Sept. Fox MSS.

was mild and submissive to him; but she showed her suspicion of the motive of Lady Dorchester's journey by violent resentment against Clarendon, the Lord Lieutenant of Ireland, whom she believed to be privy to it, and who in vain attempted to appease her anger by the most humble—not to say abject—submissions.* She at this moment seemed to have had more than ordinary influence, and was admitted into the secret of all affairs.† Supported, if not instigated by her, Sunderland and Petre, with the more ambitious and turbulent part of the Catholics, represented to the King that nothing favourable to the Catholics was to be hoped from Parliament as long as his Court and Council were divided, and as long as he was surrounded by a Protestant cabal, at the head of which was the Lord Treasurer, professing the most extravagant zeal for the English Church; that, notwithstanding the pious zeal of his Majesty, nothing important had yet been done for religion; that not one considerable person had declared himself a Catholic; that no secret believer would avow himself, and no well-disposed Protestant would be reconciled to the Church, till the King's administration was uniform, and the principles of government more decisive; and that the time was now come when it was necessary for his Majesty to execute the intention which he had long entertained, either to bring the Treasurer to more just sentiments, or to remove him from the important office which he filled, and thus prove to the public that there was no means of preserving power or credit but by supporting the King's measures for the Catholic religion.‡ They reminded him of the necessity of taking means to perpetuate the benefits which he designed for the Catholics,

* Letters of Henry, Earl of Clarendon.

† Barillon, 23d Sept. Fox MSS.

‡ The words of Barillon, "pour l'établissement de la religion Catholique," being capable of two senses, have been translated in the text in a manner which admits of a double interpretation. The context removes all ambiguity in this case.

and of the alarming facility with which the Tudor princes had made and subverted religious revolutions. Even the delicate question of the succession was agitated, and some had the boldness of throwing out suggestions to James on the most effectual means of ensuring a Catholic successor. These extraordinary suggestions appear to have been in some measure known to Van Citters, the Dutch minister, who expressed his fears that projects were forming against the rights of the Princess of Orange. The more affluent and considerable Catholics themselves became alarmed, seeing, as clearly as their brethren, the dangers to which they might be exposed under a Protestant successor. But they thought it wiser to entitle themselves to his favour by a moderate exercise of their influence, than to provoke his hostility by precautions so unlikely to be effectual against his succession or his religion. Moderation had its usual fate: the faction of zealots, animated by the superstition, the jealousy, and the violence of the Queen, became the most powerful. Even at this time, however, the Treasurer was thought likely to have maintained his ground for some time longer, if he had entirely conformed to the King's wishes. His friends Ormonde, Middleton, Feversham, Dartmouth, and Preston were not without hope that he might retain office. At last, in the end of October, James declared that Rochester must either go to mass, or go out of office.* His advisers represented to him that it was dangerous to leave this alternative to the Treasurer, which gave him the means of saving his place by a pretended conformity. The King replied that he hazarded nothing by the proposal, for he knew that Rochester would never conform. If this observation was sincere, it seems to have been rash; for some of Rochester's friends still believed he

* Barillon, 4th Nov. Fox MSS. It is curious that the report of Rochester's dismissal is mentioned by Narcissus Luttrell on the same day on which Barillon's despatch is dated.

would do whatever was necessary, and advised him to keep his office at any price.* The Spanish and Dutch ambassadors expressed their fear of the fall of their last friend in the Cabinet†; and Louis XIV. considered the measure as certainly favourable to religion and to his policy, whether it ended in the conversion of Rochester or in his dismissal; in acquiring a friend, or in disabling an enemy.‡

It was agreed that a conference on the questions in dispute should be held in the presence of Rochester, by Dr. Jane and Dr. Patrick on behalf of the Church of England, and by Dr. Giffard and Dr. Tilden § on the part of the Church of Rome. It is not easy to believe that the King or his minister should have considered a real change of opinion as a possible result of such a dispute. Even if the influence of attachment, of antipathy, of honour, and of habit on the human mind were suspended, the conviction of a man of understanding on questions of great importance, then the general object of study and discussion, could hardly be conceived to depend on the accidental superiority in skill and knowledge exhibited by the disputants of either party in the course of a single debate. But the proposal, if made by one party, was too specious and popular to be prudently rejected by the other: they were alike interested in avoiding the imputation of shrinking from an argumentative examination of their faith. The King was desirous of being relieved from his own indecision by a signal proof of Rochester's obstinacy; and in the midst of his fluctuations he may sometimes have indulged a lingering hope that the disputation might supply a decent excuse for the apparent conformity of his old

* Id. 9th Dec. Ibid.

† Id. 18th Nov. Ibid.

‡ The King to Barillon. Versailles, 19th Oct. Fox MSS.

§ This peculiarly respectable divine assumed the name of Godden;—a practice to which Catholic clergymen were then sometimes reduced to elude persecution.

friend and servant. In all prolonged agitations of the mind, it is in succession affected by motives not very consistent with each other. Rochester foresaw that his popularity among Protestants would be enhanced by his triumphant resistance to the sophistry of their adversaries; and he gave the King, by consenting to the conference, a pledge of his wish to carry compliance to the utmost boundaries of integrity. He hoped to gain time; he retained the means of profiting by fortunate accidents; at least he postponed the fatal hour of removal; and there were probably moments in which his fainting virtue looked for some honourable pretence for deserting a vanquished party.

The conference took place on the 30th of November.* Each of the contending parties, as usual, claimed the victory. The Protestant writers, though they agree that the Catholics were defeated, vary from each other. Some ascribe the victory to the two divines; others to the arguments of Rochester himself; and one of the disputants of the English Church said that it was unnecessary for them to do much. One writer tells us that the King said he never saw a good cause so ill defended; and all agree that Rochester closed the conference with the most determined declaration that he was confirmed in his religion.† Giffard, afterwards a Catholic prelate of exemplary character, published an account of the particulars of the controversy, which gives a directly opposite account of it. In the only part of it which can in any degree be tried by historical evidence, the

* Dodd, vol. iii. p. 419. Barillon's short account of the conference is dated on the 12th December, which, after making allowance for the difference of calendars, makes the despatch to be written two days after the conference, which deserves to be mentioned as a proof of Dodd's singular exactness.

† Burnet, Echard, and Kennet. There are other contradictions in the testimony of these historians, and it is evident that Burnet did not implicitly believe Rochester's own story.

Catholic account of the dispute is more probable. Rochester, if we may believe Giffard, at the end of the conference, said — "The disputants have discoursed learnedly, and I desire time to consider." * Agreeably to this statement, Barillon, after mentioning the dispute, told his Court that Rochester still showed a disposition to be instructed with respect to the difficulties which prevented him from declaring himself a Catholic, and added that some even then expected that he would determine for conformity. † This despatch was written two days after the disputation by a minister who could neither be misinformed, nor have any motive to deceive. Some time afterwards, indeed, Rochester made great efforts to preserve his place, and laboured to persuade the moderate party among the Catholics that it was their interest to support him.‡ He did not, indeed, offer to sacrifice his opinions; but a man who, after the loss of all confidence and real power, clung with such tenacity to mere office, under a system of which he disapproved every principle, could hardly be supposed to be unassailable. The violent or decisive politicians of the Catholic party dreaded that Rochester might still take the King at his word, and defeat all their plans by a feigned compliance. James distrusted his sincerity, suspected that his object was to amuse and temporise, and at length, weary of his own irresolution, took the decisive measure of removing the only minister by whom the Protestant party had a hold on his councils.

The place of Lord Rochester was accordingly supplied on the 5th of January, 1687, by commissioners, of whom two were Catholics, Lord Bellasis of the cautious, and Lord Dover of the zealous party; and the remaining three, Lord Godolphin, Sir John

* Dodd, vol iii. p. 420.
† Barillon, 12th Dec. Fox MSS.
‡ Id. 30th Dec. Ibid.

Ernley, and Sir Stephen Fox, were probably chosen for their capacity and experience in the affairs of finance. Two days afterwards Parliament, in which the Protestant Tories, the followers of Rochester, predominated, was prorogued. James endeavoured to soften the removal of his minister by a pension of 4000*l.* a year on the Post Office for a term of years, together with the polluted grant of a perpetual annuity of 1700*l.* a year out of the forfeited estate of Lord Grey *, for the sake of which the King, under a false show of mercy, had spared the life of that nobleman. The King was no longer, however, at pains to conceal his displeasure. He told Barillon that Rochester favoured the French Protestants, whom, as a term of reproach, he called "Calvinists," and added that this was one of many instances in which the sentiments of the minister were opposite to those of his master. † He informed D'Adda that the Treasurer's obstinate perseverance in error had at length rendered his removal inevitable; but that wary minister adds, that they who had the most sanguine hopes of the final success of the Catholic cause were obliged to own that, at that moment, the public temper was inflamed and exasperated, and that the cry of the people was, that since Rochester was dismissed because he would not become a Catholic, there must be a design to expel all Protestants from office. ‡

The fall of Rochester was preceded, and probably quickened, by an important change in the administration of Scotland, and it was also connected with a revolution in the government of Ireland, of both which events it is now necessary to relate the most important particulars.

* Evelyn, vol. i. p. 595.
† Barillon, 13th Jan. 1687. Fox MSS.
‡ D'Adda, 10th Jan. 1687. MS.

CHAPTER IV.

SCOTLAND. — ADMINISTRATION OF QUEENSBERRY. — CONVERSION OF PERTH. — MEASURES CONTEMPLATED BY THE KING. — DEBATES IN PARLIAMENT ON THE KING'S LETTER. — PROPOSED BILL OF TOLERATION — UNSATISFACTORY TO JAMES. — ADJOURNMENT OF PARLIAMENT. — EXERCISE OF PREROGATIVE.

IRELAND. — CHARACTER OF TYRCONNEL. — REVIEW OF THE STATE OF IRELAND. — ARRIVAL OF TYRCONNEL. — HIS APPOINTMENT AS LORD DEPUTY. — ADVANCEMENT OF CATHOLICS TO OFFICES. — TYRCONNEL AIMS AT THE SOVEREIGN POWER IN IRELAND. — INTRIGUES WITH FRANCE.

THE government of Scotland, under the Episcopal ministers of Charles II., was such, that, to the Presbyterians, who formed the majority of the people, "their native country had, by the prevalence of persecution and violence, become as insecure as a den of robbers."* The chief place in the adminstration had been filled for some years by Queensberry, a man of ability, the leader of the Episcopal party, who, in that character as well as from a matrimonial connection between their families, was disposed to an union of councils with Rochester.† Adopting the principles of his English friends, he seemed ready to sacrifice the remaining liberties of his country, but resolved to adhere to the Established Church. The acts of the first session in the reign of James are such as to have extorted from a great historian of calm temper, and friendly to the house of Stuart, the reflection that "nothing could exceed the abject servility of the Scotch nation during this period but the arbitrary severity of the administration."‡ Not content with servility and cruelty for the moment, they laid down principles which would render slavery universal and

* Hume, History of England, chap. lxix.
† His son had married the niece of Lady Rochester.
‡ Hume, chap. lxx.

perpetual, by assuring the King "that they abhor and detest all principles and positions which are contrary or derogatory to the King's sacred, supreme, absolute power and authority, which none, whether persons or collective bodies, can participate of, in any manner or on any pretext, but in dependence on him and by commission from him."*

But the jealousies between the King's party and that of the Church among the Scotch ministers were sooner visible than those between the corresponding factions in the English council; and they seem, in some degree, to have limited the severities which followed the revolt of Argyle. The Privy Council, at the intercession of some ladies of distinction, prevented the Marquis of Athol from hanging Mr. Charles Campbell, then confined by a fever, at the gates of his father's castle of Inverary†: and it was probably by their representations that James was induced to recall instructions which he had issued to the Duke of Queensberry for the suppression of the name of Campbell‡; which would have amounted to a proscription of several noblemen, a considerable body of gentry, and the most numerous and powerful tribe in the kingdom. They did not, however, hesitate in the execution of the King's orders to dispense with the Test in the case of four peers and twenty-two gentlemen, who were required by law to take it before they exercised the office of commissioners to assess the supply in their respective counties.§

The Earl of Perth, the Chancellor of Scotland, began now to attack Queensberry by means somewhat similar to those employed by Sunderland against Rochester. Queensberry had two years before procured the appointment of Perth, as it was believed, by a present

* Acts of Parliament, vol. viii. p. 459.
† Fountainhall, Chronicle, vol. i. p. 366.
‡ Warrant, 1st June, 1685. State Paper Office.
§ Warrant, 7th Dec. Ibid.

of a sum of 27,000*l.* of public money to the Duchess of Portsmouth. Under a new reign, when that lady was by no means a favourite, both Queensberry and Perth apprehended a severe inquisition into this misapplication of public money.* Perth, whether actuated by fear or ambition, made haste to consult his security and advancement by conforming to the religion of the Court, on which Lord Halifax observed, that "his faith had made him whole." Queensberry adhered to the Established Church.

The Chancellor soon began to exercise that ascendency which he acquired by his conversion, in such a manner as to provoke immediate demonstrations of the zeal against the Church of Rome, which the Scotch Presbyterians carried farther than any other Reformed community. He issued an order against the sale of any books without licence, which was universally understood as intended to prevent the circulation of controversial writings against the King's religion. Glen, a bookseller in Edinburgh, when he received this warning, said, that he had one book which strongly condemned Popery, and desired to know whether he might continue to sell it. Being asked what the book was, he answered, "The Bible."† Shortly afterwards the populace manifested their indignation at the public celebration of mass by riots, in the suppression of which several persons were killed. A law to inflict adequate penalties on such offences against the security of religious worship would have been perfectly just. But as the laws of Scotland had, however unjustly, made it a crime to be present at the celebration of mass, it was said, with some plausibility, that the rioters had only dispersed an unlawful assembly. The lawyers evaded this difficulty by the ingenious expedient of keeping out of view the origin and object of the tumults, and prosecuted the offenders, merely for *rioting* in violation of certain ancient statutes, some of

* Fountainhall, vol. i. p. 189. † Ibid. p. 390.

which rendered that offence capital. They were pursued with such singular barbarity, that one Keith, who was not present at the tumult, was executed for having said, that he would have helped the rioters, and for having drank confusion to all Papists; though he at the same time drank the health of the King, and though in both cases he only followed the example of the witnesses on whose evidence he was convicted. Attempts were vainly made to persuade this poor man to charge Queensberry with being accessory to the riots, which he had freely ridiculed in private. That nobleman was immediately after removed from the office of Treasurer, but he was at the same time appointed Lord President of the Council with a pension, that the Court might retain some hold on him during the important discussions at the approaching session of Parliament.

The King communicated to the secret committee of the Scotch Privy Council his intended instructions to the Commissioner relative to the measures to be proposed to Parliament. They comprehended the repeal of the Test, the abrogation of the sanguinary laws as far as they related to Papists, the admission of these last to all civil and military employments, and the confirmation of all the King's dispensations, even in the reigns of his successors, unless they were recalled by Parliament. On these terms he declared his willingness to assent to any law (not repugnant to these things) for securing the Protestant religion, and the personal dignities, offices, and possessions of the clergy, and for continuing all laws against fanaticism.* The Privy Council manifested some unwonted scruples about these propositions: James answered them angrily.† Perplexed by this unexpected resistance, as well as by the divisions in the Scottish councils, and the repugnance shown by the Episcopalian party

* 4th March, 1686. State Paper Office.
† 18th March. Ibid.

to any measure which might bring the privileges of Catholics more near to a level with their own, he commanded the Duke of Hamilton and Sir George Lockhart, President of the Court of Session, to come to London, with a view to ascertain their inclinations, and to dispose them favourably to his objects, but under colour of consulting them on the nature of the relief which it might be prudent to propose for the members of his own communion.* The Scotch negotiators (for as such they seem to have acted) conducted the discussion with no small discretion and dexterity. They professed their readiness to concur in the repeal of the penal and sanguinary laws against Catholics; observing, however, the difficulty of proposing to confine such an indulgence to one class of dissidents, and the policy of moving for a general toleration, which it would be as much the interests of Presbyterians as of Catholics to promote. They added, that it might be more politic not to propose the repeal of the Test as a measure of government, but either to leave it to the spontaneous disposition of Parliament, which would very probably repeal a law aimed in Scotland against Presbyterians as exclusively as it had in England been intended to exclude Catholics, or to trust to the King's dispensing power, which was there undisputed;—as indeed every part of the prerogative was in that country held to be above question, and without limits.† These propositions embarrassed James and his more zealous counsellors. The King struggled obstinately against the extension of the liberty to the Presbyterians. The Scotch councillors required, that if the Test was repealed, the King should bind himself by the most solemn promise to attempt no farther alteration or abridgment of the privileges of the Protestant clergy. James did not conceal from them his repugnance thus to confirm and to secure the establishment

* Fountainhall, vol. i. p. 410.

† Barillon, 22d April. Fox MSS.

of a heretical Church. He imputed the pertinacity of Hamilton to the insinuations of Rochester, and that of Lockhart to the still more obnoxious influence of his father-in-law, Lord Wharton.*

The Earl of Moray, a recent convert to the Catholic religion, opened Parliament on the 29th of April, and laid before it a royal letter, exhibiting traces of the indecision and ambiguity which were the natural consequence of the unsuccessful issue of the conferences in London. The King begins with holding out the temptation of a free trade with England, and after tendering an ample amnesty, proceeds to state, that while he shows these acts of mercy to the enemies of his crown and royal dignity, he cannot be unmindful of his Roman Catholic subjects, who had adhered to the Crown in rebellions and usurpations, though they lay under discouragements hardly to be named. He recommends them to the care of Parliament, and desires that they may have the protection of the laws and the same security with other subjects, without being laid under obligations which their religion will not admit of. "This love," he says, "we expect ye will show to your brethren, as you see we are an indulgent father to you all."†

At the next sitting an answer was voted, thanking the King for his endeavours to procure a free trade with England; expressing the utmost admiration of the offer of amnesty to such desperate rebels against so merciful a prince; declaring, "as to that part of your Majesty's letter which relates to your subjects of the Roman Catholic persuasion, we shall, in obedience to your Majesty's commands, and in tenderness to their persons, take the same into our serious and dutiful consideration, and go as great lengths therein as our consciences will allow;" and concluding with these words, which were the more sig-

* Id. 29th April. Ibid.

† Acts of Parliament, vol. viii. p. 580.

nificant because they were not called for by any correspondent paragraph in the King's letter:—"Not doubting that your Majesty will be careful to secure the Protestant religion established by law." Even this answer, cold and guarded as it was, did not pass without some debate, important only as indicating the temper of the assembly. The words, "subjects of the Roman Catholic religion," were objected to, "as not to be given by Parliament to individuals whom the law treated as criminals, and to a Church which Protestants could not, without inconsistency, regard as entitled to the appellation of Catholic." Lord Fountainhall proposed, as an amendment, the substitution of "those commonly called Roman Catholics." The Earl of Perth called this nicknaming the King, and proposed, "those subjects your Majesty has recommended." The Archbishop of Glasgow supported the original answer, upon condition of an entry in the Journals, declaring that the words were used only out of courtesy to the King, as a repetition of the language of his letter. A minority of 56 in a house of 182 voted against the original words, even though they were to be thus explained.* Some members doubted whether they could sincerely profess a disposition to go any farther lengths in favour of the Romanists, being convinced that all the laws against the members of that communion ought to continue in force. The Parliament having been elected under the administration of Queensberry, the Episcopal party was very powerful both in that assembly and in the committee called the "Lords of the Articles," with whom alone a bill could originate. The Scottish Catholics were an inconsiderable body; and the Presbyterians, though comprehending the most intelligent, moral, and religious part of the people, so far from having any influence in the legislature, were proscribed as cri-

* Fountainhall, vol. i. p. 413.

minals, and subject to a more cruel and sanguinary persecution at the hands of their Protestant brethren than either of these communions had ever experienced from Catholic rulers.* Those of the prelates who preferred the interest of their order to their own were dissatisfied even with the very limited measure of toleration laid before the Lords of the Articles, which only proposed to exempt Catholics from punishment on account of the private exercise of their religious worship.† The Primate was alarmed by a hint thrown out by the Duke of Hamilton, that a toleration so limited might be granted to dissenting Protestants‡; nor, on the other hand, was the resistance of the prelates softened by the lure held out by the King in his first instructions, that if they would remove the Test against Catholics they should be indulged in the persecution of their fellow Protestants. The Lords of the Articles were forced to introduce into the bill two clauses;—one declaring their determination to adhere to the established religion, the other expressly providing, that the immunity and forbearance contemplated should not derogate from the laws which required the oath of allegiance and the test to be taken by all persons in offices of public trust.§

The arguments on both sides are to be found in pamphlets then printed at Edinburgh; those for the Government publicly and actively circulated, those of the opposite party disseminated clandestinely.‖

* Wodrow, History of the Church of Scotland, &c., vol. ii. p. 498.:—an avowed partisan, but a most sincere and honest writer, to whom great thanks are due for having preserved that collection of facts and documents which will for ever render it impossible to extenuate the tyranny exercised over Scotland from the Restoration to the Revolution.

† Wodrow, vol. ii. p. 594.

‡ Fountainhall, vol. i. p. 415.

§ Wodrow, vol. ii. app.

‖ Ibid. Wodrow ascribes the Court pamphlet to Sir Roger L'Estrange, in which he is followed by Mr. Laing, though, in the

The principal part, as in all such controversies, consists in personalities, recriminations, charges of inconsistency, and addresses to prejudice, which scarcely any ability can render interesting after the passions from which they spring have subsided and are forgotten. It happened, also, that temporary circumstances required or occasioned the best arguments not to be urged by the disputants. Considered on general principles, the bill, like every other measure of toleration, was justly liable to no permanent objection but its incompleteness and partiality. But no Protestant sect was then so tolerant as to object to the imperfection of the relief to be granted to Catholics; and the ruling party were neither entitled nor disposed to complain, that the Protestant Nonconformists, whom they had so long persecuted, were not to be comprehended in the toleration. The only objection which could reasonably be made to the tolerant principles, now for the first time inculcated by the advocates of the Court, was, that they were not proposed with good faith, or for the relief of the Catholics, but for the subversion of the Protestant Church, and the ultimate establishment of Popery, with all the horrors which were to follow in its train. The present effects of the bill were a subject of more urgent consideration than its general character. It was more necessary to ascertain the purpose which it was intended and calculated to promote at the instant, than to examine the principles on which such a measure, in other circumstances, and in common times, might be perfectly wise and just. Even then, had any man been liberal and bold enough to propose universal and perfect liberty of worship, the adoption

answer to it, it is said to have been written by a clergyman who had preached before the Parliament. L'Estrange was then in Edinburgh, probably engaged in some more popular controversy. The tract in question seems more likely to have been written by Paterson, Bishop of Edinburgh.

of such a measure would probably have afforded the most effectual security against the designs of the Crown. But very few entertained so generous a principle: and of these, some might doubt the wisdom of its application in that hour of peril, while no one could have proposed it with any hope that it could be adopted by the majority of such a Parliament. It can hardly be a subject of wonder, that the Established clergy, without any root in the opinions and affections of the people, on whom they were imposed by law, and against whom they were maintained by persecution, should not in the midst of conscious weakness have had calmness and fortitude enough to consider the policy of concession, but trembling for their unpopular dignities and invidious revenues, should recoil from the surrender of the most distant outpost which seemed to guard them, and struggle with all their might to keep those who threatened to become their most formidable rivals under the brand at least,—if not the scourge,—of penal laws. It must be owned, that the language of the Court writers was not calculated either to calm the apprehensions of the Church, or to satisfy the solicitude of the friends of liberty. They told Parliament, "that if the King were exasperated by the rejection of the bill, he might, without the violation of any law, alone remove all Protestant officers and judges from the government of the State, and all Protestant bishops and ministers from the government of the Church*;"—a threat the more alarming, because the dispensing power seemed sufficient to carry it into effect in civil offices, and the Scotch Act of Supremacy, passed in one of the paroxysms of servility which were frequent in the first years of the Restoration†, appeared to afford the means of fully accomplishing it against the Church.

The unexpected obstinacy of the Scottish Parlia-

* Wodrow, vol. ii. app. † 1669.

ment alarmed and offended the Court. Their answer did not receive the usual compliment of publication in the Gazette. Orders were sent to Edinburgh to remove two Privy Councillors*, to displace Seaton, a judge, and to deprive the Bishop of Dunkeld of a pension, for their conduct. Sir George Mackenzie, himself, the most eloquent and accomplished Scotchman of his age, was for the same reason dismissed from the office of Lord Advocate.† It was in vain

* The Earl of Glencairn and Sir W. Bruce.

† "Sir George Mackenzie was the grandson of Kenneth, first Lord Mackenzie of Kintail, and the nephew of Colin and George, first and second Earls of Seaforth. He was born at Dundee in 1636, and after passing through the usual course of education in his own country, he was sent for three years to the University of Bourges, at that time, as he tells us, called the 'Athens of Lawyers'; —as in later times the Scotch lawyers usually repaired to Utrecht and Leyden. He was called to the Bar, and began to practise before the Restoration; immediately after which he was appointed one of the justices-depute — criminal judges, who exercised that jurisdiction which was soon after vested in five lords of session under the denomination of 'commissioners of justiciary.' His name appears in the Parliamentary proceedings as counsel in almost every important cause. He represented the county of Ross for the four sessions of the Parliament which was called in 1669. In 1677 he was appointed Lord Advocate; and was involved by that preferment, most unhappily for his character, in the worst acts of the Scotch administration of Charles II. At the Revolution he adhered to the fortunes of his master. Being elected a member of the Convention, he maintained the pretensions of James with courage and ability against Sir John Dalrymple and Sir James Montgomery, who were the most considerable of the Revolutionary party; and remaining in his place after the imprisonment of Balcarras and the escape of Dundee, he was one of the minority of five in the memorable division on the forfeiture of the crown. When the death of Dundee destroyed the hopes of his party in Scotland, he took refuge at Oxford, — the natural asylum of so learned and inveterate a Tory. Under the tolerant government of William he appears to have enjoyed his ample fortune, — the fruit of his professional labours, — with perfect comfort as well as security. He died in St. James's Street in May, 1691; and his death is mentioned as that of an extraordinary person by several of those who recorded the events of

that he had dishonoured his genius by being for ten years the advocate of tyranny and the minister of persecution: all his ignominious claims were cancelled by the independence of one day. It was hoped that such examples might strike terror.* Several noblemen, who held commissions in the army, were ordered to repair to their posts. Some members were threatened with the avoidance of their elections.† A prosecution was commenced against the Bishop of Ross,

their time, before the necrology of this country was so undistinguishing as it has now become. The pomp and splendour of his interment at Edinburgh affords farther evidence how little the administration of William was disposed to discourage the funeral honours paid to his most inflexible opponents. The writings of Sir George Mackenzie are literary, legal, and political. His Miscellaneous Essays, both in prose and verse, may now be dispensed with, or laid aside, without difficulty. They have not vigour enough for long life. But if they be considered as the elegant amusements of a statesman and lawyer, who had little leisure for the cultivation of letters, they afford a striking proof of the variety of his accomplishments, and of the refinement of his taste. In several of his moral Essays, both the subject and the manner betray an imitation of Cowley, who was at that moment beginning the reformation of English style. Sir George Mackenzie was probably tempted, by the example of this great master, to write in praise of Solitude: and Evelyn answered by a panegyric on Active Life. It seems singular that Mackenzie, plunged in the harshest labours of ambition, should be the advocate of retirement; and that Evelyn, comparatively a recluse, should have commended that mode of life which he did not choose. Both works were, however, rhetorical exercises, in which a puerile ingenuity was employed on questions which admitted no answer, and were not therefore the subject of sincere opinion. Before we can decide whether a retired or a public life be best, we must ask,—best for whom? The absurdity of these childish generalities, which exercised the wit of our forefathers, has indeed been long acknowledged. Perhaps posterity may discover, that many political questions which agitate our times are precisely of the same nature; and that it would be almost as absurd to attempt the establishment of a democracy in China as the foundation of a nobility in Connecticut."—Abridged from the "Edinburgh Review," vol. xxxvi. p. 1.—ED.

* Fountainhall, vol. i. p. 414. † Ibid. p. 419.

and the proceedings were studiously protracted, to weary out the poorer part of those who refused to comply with the Court. The ministers scrupled at no expedient for seducing, or intimidating, or harassing. But these expedients proved ineffectual. The majority of the Parliament adhered to their principles; and the session lingered for about a month in the midst of ordinary or unimportant affairs.* The Bill for Toleration was not brought up by the Lords of the Articles. The commissioners, doubting whether it would be carried, and probably instructed by the Court that it would neither satisfy the expectations nor promote the purposes of the King, in the middle of June adjourned the Parliament, which was never again to assemble.

It was no wonder that the King should have been painfully disappointed by the failure of his attempt; for after the conclusion of the session, it was said by zealous and pious Protestants, that nothing less than a special interposition of Providence could have infused into such an assembly a steadfast resolution to withstand the Court.† The royal displeasure was manifested by measures of a very violent sort. The despotic supremacy of the King over the Church was exercised by depriving Bruce of his bishopric of

* Among the frivolous but characteristic transactions of this session was the "Bore Brieve," or authenticated pedigree granted to the Marquis de Seignelai, as a supposed descendant of the ancient family of Cuthbert of Castlehill, in Inverness-shire. His father, the great Colbert, who appears to have been the son of a reputable woollen-draper of Troyes, had attempted to obtain the same certificate of genealogy, but such was the pride of birth at that time in Scotland, that his attempts were vain. It now required all the influence of the Court, set in motion by the solicitations of Barillon, to obtain it for Seignelai. By an elaborate display of all the collateral relations of the Cuthberts, the "Bore Brieve" connects Seignelai with the Royal Family, and with all the nobility and gentry of the kingdom. Acts of Parliament, vol. viii. p. 611.

† Fountainhall, vol. i. p. 419.

Dunkeld*;—a severity which, not long after, was repeated in the deprivation of Cairncross, Archbishop of Glasgow, for some supposed countenance to an obnoxious preacher, though that prelate laboured to avert it by promises of support to all measures favourable to the King's religion.† A few days after the prorogation, Queensberry was dismissed from all his offices, and required not to leave Edinburgh until he had rendered an account of his administration of the treasury.‡ Some part of the royal displeasure fell upon Sir George Mackenzie, the Lord Register, lately created Lord Cromarty, the most submissive servant of every government, for having flattered the King, by too confident assurances of a majority as obsequious as himself. The connection of Rochester with Queensberry now aggravated the offence of the latter, and prepared the way for the downfall of the former. Moray, the commissioner, promised positive proofs, but produced at last only such circumstances as were sufficient to confirm the previous jealousies of James, that the Scotch Opposition were in secret correspondence with Pensionary Fagel, and even with the Prince of Orange.§ Sir George Mackenzie, whose unwonted independence seems to have speedily faltered, was refused an audience of the King, when he visited London with the too probable purpose of making his peace. The most zealous Protestants being soon afterwards removed from the Privy Council, and the principal noblemen of the Catholic communion being introduced in their stead, James addressed a letter to the Council, informing them that his application to Parliament had not arisen from any doubt of his own power to stop the severities against Catholics; de-

* Ibid. p. 416.

† Ibid. p. 441. Skinner, Ecclesiastical History, vol. ii. p. 503.

‡ Ibid. p. 420.

§ Barillon, 1st—22d July, 1686. Fox MSS. It will appear in the sequel, that these suspicions are at variance with probability, and unsupported by evidence.

claring his intention to allow the exercise of the Catholic worship, and to establish a chapel for that purpose in his own palace of Holyrood House; and intimating to the judges, that they were to receive the allegation of this allowance as a valid defence, any law to the contrary notwithstanding.* The warm royalists, in their proposed answer, expressly acknowledged the King's prerogative to be a legal security: but the Council, in consequence of an objection of the Duke of Hamilton, faintly asserted their independence, by substituting "sufficient" instead of "legal."†

The determination was thus avowed of pursuing the objects of the King's policy in Scotland by the exercise of prerogative, at least until a more compliant Parliament could be obtained, which would not only remove all doubt for the present, but protect the Catholics against the recall of the dispensations by James's successors. The means principally relied on for the accomplishment of that object was the power now assumed by the King to stop the annual elections in burghs, to nominate the chief magistrates, and through them to command the election by more summary proceedings than those of the English courts. The choice of ministers corresponded with the principles of administration. The disgrace of the Duke of Hamilton, a few months later ‡, completed the transfer of power to the party which professed an unbounded devotion to the principles of their master in the government both of Church and State. The measures of the Government did not belie their professions. Sums of money, considerable when compared with the scanty revenue of Scotland, were employed in support

* Wodrow, vol. ii. p. 598.

† Fountainhall, vol. i. p. 424.

‡ Fountainhall, vol. i. p. 449—451. Letter (in State Paper Office), 1st March, 1687, expressing the King's displeasure at the conduct of Hamilton, and directing the names of his sons-in-law, Panmure and Dunmore, to be struck out of the list of the Council.

of establishments for the maintenance and propagation of the Roman Catholic religion. A sum of 1400*l.* a year was granted, in equal portions, to the Catholic missionaries, to the Jesuit missionaries, to the mission in the Highlands, to the Chapel Royal, and to each of the Scotch colleges at Paris, Douay, and Rome.* The Duke of Hamilton, Keeper of the Palace, was commanded to surrender the Chancellor's apartments in Holyrood House to a college of Jesuits.† By a manifest act of partiality, two-thirds of the allowance made by Charles II. to indigent royalists were directed to be paid to Catholics; and all pensions and allowances to persons of that religion were required to be paid in the first place, in preference to all other pensions.‡ Some of these grants, it is true, if they had been made by a liberal sovereign in a tolerant age, were in themselves justifiable; but neither the character of the King, nor the situation of the country, nor the opinions of the times, left any reasonable man at liberty then to doubt their purpose; and some of them were attended by circumstances which would be remarkable as proofs of the infatuated imprudence of the King and his counsellors, if they were not more worthy of observation as symptoms of that insolent contempt with which they trampled on the provisions of law, and on the strongest feelings of the people.

The government of Ireland, as well as that of England and Scotland, was, at the accession of James, allowed to remain in the hands of Protestant Tories. The Lord Lieutenancy was, indeed, taken from the Duke of Ormonde, then far advanced in years, but it was bestowed on a nobleman of the same party, Lord Clarendon, whose moderate understanding added little to those claims on high office, which he derived from his birth, connections, and opinions. But the feeble

* Warrants in the State Paper Office, dated 19th May, 1687.
† Ibid. 15th August. ‡ Ibid. 7th January, 1688.

and timid Lord Lieutenant was soon held in check by Richard Talbot, then created Earl of Tyrconnel, a Catholic gentleman of ancient English extraction, who joined talents and spirit to violent passions, boisterous manners, unbounded indulgence in every excess, and a furious zeal for his religious party.* His character was tainted by that disposition to falsehood and artifice, which, however seemingly inconsistent with violent passions, is often combined with them; and he possessed more of the beauty and bravery than of the wit or eloquence of his unhappy nation. He had been first introduced to Charles II. and his brother before the Restoration, as one who was willing to assassinate Cromwell, and had made a journey into England with that resolution. He soon after received an appointment in the household of the Duke of York, and retained the favour of that prince during the remainder of his life. In the year 1666, he was imprisoned for a few days by Charles II., for having resolved to assassinate the Duke of Ormonde, with whose Irish

* The means by which Talbot obtained the favour of James, if we may believe the accounts of his enemies, were somewhat singular. "Clarendon's daughter had been got with child in Flanders, on a pretended promise of marriage, by the Duke of York, who was forced by the King, at her father's importunity, to marry her, after he had resolved the contrary, and got her reputation blasted by Lord Fitzharding and Colonel Talbot, who impudently affirmed that they had received the last favours from her." Sheridan MS. Stuart Papers. "5th July, 1694. Sir E. Harley told us, that when the Duke of York resolved on putting away his first wife, particularly on discovery of her commerce with ———, she by her father's advice turned Roman Catholic, and thereby secured herself from reproach, and that the pretence of her father's opposition to it was only to act a part, and secure himself from blame." MSS. in the handwriting of Lord Treasurer Oxford, in the possession of the Duke of Portland. The latter of these passages from the concluding part must refer to the time of the marriage. But it must not be forgotten that both the reporters were the enemies of Clarendon, and that Sheridan was the bitter enemy of Tyrconnel.

administration he was dissatisfied.* He did not, however, even by the last of these criminal projects, forfeit the patronage of either of the royal brothers, and at the accession of James held a high place among his personal favourites. He was induced, both by zeal for the Catholic party, and by animosity against the family of Hyde, to give effectual aid to Sunderland in the overthrow of Rochester, and required in return that the conduct of Irish affairs should be left to him.† Sunderland dreaded the temper of Tyrconnel, and was desirous of performing his part of the bargain with as little risk as possible to the quiet of Ireland. The latter at first contented himself with the rank of senior General Officer on the Irish staff; in which character he returned to Dublin in June, 1686, as the avowed favourite of the King, and with powers to new-model the army. His arrival, however, had been preceded by reports of extensive changes in the government of the kingdom.‡ The State, the Church, the administration, and the property of that unhappy island, were bound together by such unnatural ties, and placed on such weak foundations, that every rumour of alteration in one of them spread the deepest alarm for the safety of the whole.

From the colonisation of a small part of the eastern coast under Henry II., till the last years of the reign of Elizabeth, an unceasing and cruel warfare was waged by the English governors against the princes and chiefs of the Irish tribes, with little other effect than that of preventing the progress of civilisation among the Irish, of replunging many of the English into barbarism, and of generating that deadly animosity between the natives and the invaders, under the names of Irishry and Englishry, which, assuming various forms, and exasperated by a fatal succession of causes,

* Clarendon, Continuation of History (Oxford, 1759), p. 362.
† Sheridan MS. Stuart Papers.
‡ Clarendon's Letters, *passim*.

has continued even to our days the source of innumerable woes. During that dreadful period of four hundred years, the laws of the English colony did not punish the murder of a man of Irish blood as a crime.* Even so late as the year 1547, the Colonial Assembly, called a "Parliament," confirmed the insolent laws which prohibited the English "of the pale" from marrying persons of Irish blood.† Religious hostility inflamed the hatred of these mortal foes. The Irish, attached to their ancient opinions as well as usages, and little addicted to doubt or enquiry, rejected the reformation of religion offered to them by their enemies. The Protestant worship became soon to be considered by them as the odious badge of conquest and oppression ‡; while the ancient religion was endeared by persecution, and by its association with the name, the language, and the manners of their country. The island had long been represented as a fief of the see of Rome; the Catholic clergy, and even laity, had no unchangeable friend but the Sovereign Pontiff; and their chief hope of deliverance from a hostile yoke was long confined to Spain, the leader of the Catholic party in the European commonwealth. The old enmity

* Sir J. Davies, Discoverie, &c., pp. 102—112. "They were so far out of the protection of the laws that it was often adjudged no felony to kill a mere Irishman in time of peace,"—except he were of the five privileged tribes of the O'Neils of Ulster, the O'Malaghlins of Meath, the O'Connors of Connaught, the O'Briens of Thomond, and the MacMurroughs of Leinster; to whom are to be added the Oastmen of the city of Waterford. See also Leland, History of Ireland, book i. chap. 3.

† 28 Hen. VIII. c. 13. "The English," says Sir W. Petty, "before Henry VII.'s time, lived in Ireland as the Europeans do in America," Political Anatomy of Ireland, p. 112.

‡ That the hostility of religion was, however, a secondary prejudice superinduced on hostility between nations, appears very clearly from the laws of Catholic sovereigns against the Irish, even after the Reformation, particularly the Irish statute of 3 & 4 Phil. & Mar. c. 2., against the O'Mores, and O'Dempsies, and O'Connors, "and others of the Irishry."

of Irishry and Englishry thus appeared with redoubled force under the new names of Catholic and Protestant. The necessity of self-defence compelled Elizabeth to attempt the complete reduction of Ireland, which, since she had assumed her station at the head of Protestants, became the only vulnerable part of her dominions, and a weapon in the hands of her most formidable enemies. But few of the benefits which sometimes atone for conquest were felt by Ireland. Neither the success with which Elizabeth broke the barbaric power of the Irish chieftains, nor the real benevolence and seeming policy of introducing industrious colonies under her successor, counterbalanced the dreadful evil which was then for the first time added to her hereditary sufferings. The extensive forfeiture of the lands of the Catholic Irish, and the grant of these lands to Protestant natives of Great Britain, became a new source of hatred between these irreconcileable factions. Forty years of quiet, however, followed, in which a Parliament of all districts, and of both religions, was assembled. The administration of the Earl of Strafford bore the stamp of the political vices which tarnished his genius, and which often prevailed over those generous affections of which he was not incapable towards those who neither rivalled nor resisted him. The state of Ireland abounded with temptations, — to a man of daring and haughty spirit, intent on taming a turbulent people, and impatient of the slow discipline of law and justice, — to adopt those violent and summary measures, the necessity of which his nature prompted him too easily to believe.* When his vigorous arm was withdrawn, the Irish were once more excited to revolt by the memory of the provocations which they had received from him and from his predecessors, by the feebleness of their government, and by the confusion and distraction which announced the approach of civil war

* See Carte's Life of Ormonde, and the confessions of Clarendon, together with the evidence on the Trial of Strafford.

in Great Britain. This insurrection, which broke out in 1641, and of which the atrocities appear to have been extravagantly exaggerated * by the writers of the victorious party, was only finally subdued by the genius of Cromwell, who, urged by the general antipathy against the Irish †, and the peculiar animosity of his own followers towards Catholics, exercised more than once in his Irish campaigns the most odious rights or practices of war, departing from the clemency which usually distinguished him above most men who have obtained supreme power by violence. The confiscations which followed Cromwell's victories, added to the forfeitures under Elizabeth and James, transferred more than two-thirds of the land of the kingdom to British adventurers.‡ "Not only all the Irish nation (with very few exceptions) were found guilty of the rebellion, and forfeited all their estates, but all the English Catholics of Ireland were declared to be under the same guilt." § The ancient proprietors conceived sanguine hopes, that confiscations by usurpers would not be ratified by the restored government. But their agents were inexperienced, indiscreet, and sometimes mercenary; while their opponents, who were in possession of power and property, chose the Irish House of Commons, and secured the needy and rapacious courtiers of Charles II. by large

* Evidence of this exaggeration is to be found in Carte and Leland, in the Political Anatomy of Ireland, by Sir W. Petty,—to say nothing of Curry's Civil Wars, which, though the work of an Irish Catholic, deserves the serious consideration of every historical enquirer. Sir W. Petty limits the number of Protestants *killed* throughout the island, in the first year of the war, to 37,000. The massacres were confined to Ulster, and in that province were imputed only to the detachment of insurgents under Sir Phelim O'Neal.

† Even Milton calls the Irish Catholics, or, in other words, the Irish nation, "Conscelerata et barbara colluvies."

‡ Petty, pp. 1—3.

§ Life of Clarendon (Oxford, 1759), vol. ii. p. 115.

bribes.* The Court became a mart at which much of the property of Ireland was sold to the highest bidder; —the inevitable result of measures not governed by rules of law, but loaded with exceptions and conditions, where the artful use of a single word might affect the possession of considerable fortunes, and where so many minute particulars relating to unknown and uninteresting subjects were necessarily introduced, that none but parties deeply concerned had the patience to examine them. Charles was desirous of an arrangement which should give him the largest means of quieting, by profuse grants, the importunity of his favourites. He began to speak of the necessity of strengthening the English interest in Ireland, and he represented the "settlement" rather as a matter of policy than of justice. The usual and legitimate policy of statesmen and lawgivers is, doubtless, to favour every measure which quiets present possession, and to discourage all retrospective inquisition into the tenure of property. But the Irish Government professed to adopt a principle of compromise, and the general object of the statute called the "Act of Settlement," was to secure the land in the hands of its possessors, on condition of their making a certain compensation to those classes of expelled proprietors who were considered as innocent of the rebellion. Those, however, were declared not to be innocent who had accepted the terms of peace granted by the King in 1648, who had paid contributions to support the insurgent administration, or who enjoyed any real or personal property in the districts occupied by the rebel army. The first of these conditions was singularly unjust; the two latter must have comprehended many who were entirely innocent; and all of them were inconsistent with those principles of compromise and provision for the interest of all on which the act was

* Carte, Life of Ormonde, vol. ii. p. 295. Talbot, afterwards Earl of Tyrconnel, returned to Ireland with 18,000*l.*

professedly founded. Ormonde, however, restored to his own great estates, and gratified by a grant of 30,000*l.* from the Irish Commons, acquiesced in this measure, and it was not opposed by his friend Clarendon;—circumstances which naturally, though perhaps not justly, have rendered the memory of these celebrated men odious to the Irish Catholics. During the whole reign of Charles II. they struggled to obtain a repeal of the Act of Settlement. But Time opposed his mighty power to their labours. Every new year strengthened the rights of the possessors, and furnished additional objections against the claims of the old owners. It is far easier to do mischief than to repair it; and it is one of the most malignant properties of extensive confiscation that it is commonly irreparable. The land is shortly sold to honest purchasers; it is inherited by innocent children; it becomes the security of creditors; its safety becomes interwoven, by the complicated transactions of life, with all the interests of the community. One act of injustice is not atoned for by the commission of another against parties who may be equally unoffending. In such cases the most specious plans for the investigation of conflicting claims lead either to endless delay, attended by the entire suspension of the enjoyment of the disputed property, if not by a final extinction of its value, or to precipitate injustice, arising from caprice, from favour, from enmity, or from venality. The resumption of forfeited property, and the restoration of it to the heirs of the ancient owners, may be attended by all the mischievous consequences of the original confiscation; by the disturbance of habits, and by the disappointment of expectations; and by an abatement of that reliance on the inviolability of legal possession, which is the mainspring of industry, and the chief source of comfort.

The arrival of Tyrconnel revived the hopes of the Catholics. They were at that time estimated to amount to 800,000 souls; the English Episcopalians, the English Nonconformists, and the Scotch Presby-

terians, each to 100,000.* There was an army of 3000 men, which in the sequel of this reign was raised to 8000. The net revenue afforded a yearly average of 300,000*l.*† Before the civil war of 1641, the disproportion of numbers of Catholics to Protestants had been much greater; and by the consequences of that event, the balance of property had been entirely reversed.‡ "In playing of this game or match" (the war of 1641) "upon so great odds, the English" says Sir William Petty, "won, and have a gamester's right at least to their estates."§ On the arrival of Tyrconnel, too, were redoubled the fears of the Protestants for possessions always invidious, and now, as it seemed, about to be precarious. The attempt to give both parties a sort of representation in the government, and to balance the Protestant Lord Lieutenant by a Catholic commander of the army, unsettled the minds of the two communions. The Protestants, though they saw that the rising ascendant of Tyrconnel would speedily become irresistible, were betrayed into occasional indiscretion by the declarations of the Lord Lieutenant; and the Catholics, aware of their growing force, were only exasperated by Clarendon's faint and fearful show of zeal for the established laws. The contemptuous disregard, or rather indecent insolence manifested by Tyrconnel in his conversations with Lord Clarendon, betrayed a consciousness of the superiority of a royal favourite over a Lord-Lieutenant, who had to execute a system to which he was disinclined, and was to remain in

* Petty, p. 8. As Sir William Petty exaggerates the population of England, which he rates at six millions, considerably more than its amount in 1700 (Population Returns, 1821, Introduction), it is probable he may have overrated that of Ireland; but there is no reason to suspect a mistake in the proportions.

† Supposing the taxes then paid by England and Wales to have been about three millions, each inhabitant contributed ten shillings, while each Irishman paid somewhat more than five.

‡ Petty, p. 24. § Ibid.

office a little longer only as a pageant of state. He indulged all his habitual indecencies and excesses; he gave loose to every passion, and threw off every restraint of good manners in these conversations. It is difficult to represent them in a manner compatible with the decorum of history: yet they are too characteristic to be passed over. "You must know, my Lord," said Tyrconnel, "that the King is a Roman Catholic, and resolved to employ his subjects of that religion, and that he will not keep one man in his service who ever served under the usurpers. The sheriffs you have made are generally rogues and old Cromwellians. There has not been an honest man sheriff in Ireland these twenty years." Such language, intermingled with oaths, and uttered in the boisterous tone of a braggart youth, somewhat intoxicated, in a military guard-house, are specimens of the manner in which Tyrconnel delivered his opinions to his superior on the gravest affairs of state. It was no wonder that Clarendon told his brother Rochester, — "If this Lord continue in the temper he is in, he will gain here the reputation of a madman; for his treatment of people is scarce to be described."* The more moderate of his own communion, comprehending almost all laymen of education or fortune, he reviled as trimmers. He divided the Catholics, and embroiled the King's affairs still farther by a violent prejudice against the native Irish, whom he contemptuously called the "O's and Macs."† To the letter of the King's public declarations, or even positive instructions to the Lord Lieutenant, he paid very little regard. He was sent by James "to do the rough work" of remodelling the army and the corporations. With respect to the army, the King professed only to admit all his subjects on an equal

* Correspondence of Clarendon and Rochester, vol. ii. Clarendon, Diary, 5th—14th June, 1686.

† Sheridan MS.

footing without regard to religion; but Tyrconnel's language, and, when he had the power, his measures, led to the formation of an exclusively Catholic force.* The Lord Lieutenant reasonably understood the royal intentions to be no more than that the Catholic religion should be no bar to the admission of persons otherwise qualified into corporations: Tyrconnel disregarded such distinctions, and declared, with one of his usual oaths, "I do not know what to say to that; I would have all the Catholics in."† Three unexceptionable judges of the Protestant persuasion were, by the King's command, removed from the bench to make way for three Catholics, — Daly, Rice, and Nugent, — also, it ought to be added, of unobjectionable character and competent learning in their profession.‡ Officious sycophants hastened to prosecute those incautious Protestants who, in the late times of zeal against Popery, had spoken with freedom against the succession of the Duke of York; though it is due to justice to remark, that the Catholic council, judges, and juries, discouraged these vexatious prosecutions, and prevented them from producing any very grievous effects. The King had in the beginning solemnly declared his determination to adhere to the Act of Settlement; but Tyrconnel, with his usual imprecations, said to the Lord Lieutenant, "These Acts of Settlement, and this new interest, are cursed things."§ The coarseness and insolence of Tyrconnel could not fail to offend the Lord Lieutenant: but it is apparent, from the latter's own description, that he was still more frightened than provoked; and perhaps more decorous language would not have so suddenly

* Sheridan MS. It should be observed, that the passages relating to Ireland in the Life of James II., vol. ii. pp. 59—63., were not written by the King, and do not even profess to be founded on the authority of his MSS. They are merely a statement made by Mr. Dicconson, the compiler of that work.

† Clarendon, 20th—31st July. ‡ Id. 19th June.

§ Id. 8th June.

and completely subdued the little spirit of the demure lord. Certain it is that these scenes of violence were immediately followed by the most profuse professions of his readiness to do whatever the King required, without any reservation even of the interest of the Established Church. These professions were not merely formularies of that ignoble obsequiousness which degrades the inferior too much to exalt the superior: they were explicit and precise declarations relating to the particulars of the most momentous measures then in agitation. In speaking of the reformation of the army he repeated his assurance to Sunderland, "that the King may have every thing done here which he has a mind to: and it is more easy to do things quietly than in a storm."* He descended to declare even to Tyrconnel himself, that "it was not material how many Roman Catholics were in the army, if the King would have it so; for whatever his Majesty would have should be made easy as far as lay in me."†

In the mean time Clarendon had incurred the displeasure of the Queen by his supposed civilities to Lady Dorchester during her residence in Ireland. The King was also displeased at the disposition which he imputed to the Lord Lieutenant rather to traverse than to forward the designs of Tyrconnel in favour of the Catholics.‡ It was in vain that the submissive viceroy attempted to disarm these resentments by abject declarations of deep regret and unbounded devotedness.§ The daily decline of the credit of Rochester deprived his brother of his best support; and Tyrconnel, who returned to Court in August, 1686, found it easy to effect a change in the government of Ireland. But he found more difficulty in obtaining

* Clarendon, 20th July. † Id. 30th July.
‡ Id. 6th Oct.
§ Clarendon to the King, 6th Oct.; to Lord Rochester, 23d Oct.

that important government for himself. Sunderland tried every means but the resignation of his own office to avert so impolitic an appointment. He urged the declaration of the King, on the removal of Ormonde, that he would not bestow the lieutenancy on a native Irishman: he represented the danger of alarming all Protestants, by appointing to that office an acknowledged enemy of the Act of Settlement, and of exciting the apprehensions of all Englishmen, by intrusting Ireland to a man so devoted to the service of Louis XIV.: he offered to make Tyrconnel a Major General on the English staff, with a pension of 5000*l.* a year, and with as absolute though as secret authority in the affairs of Ireland, as Lauderdale had possessed in those of Scotland: he promised that after the abrogation of the penal laws in England, Tyrconnel, if he pleased, might be appointed Lord Lieutenant in the room of Lord Powis, who was destined for the present to succeed Clarendon. Tyrconnel turned a deaf ear to these proposals, and threatened to make disclosures to the King and Queen which might overthrow the policy and power of Sunderland. The latter, when he was led by his contest with Rochester to throw himself into the arms of the Roman Catholics, had formed a more particular connection with Jermyn and Talbot, as the King's favourites, and as the enemies of the family of Hyde: Tyrconnel now threatened to disclose the terms and objects of that league, the real purpose of removing Lady Dorchester, and the declaration of Sunderland, when this alliance was formed, "that the King could only be governed by a woman or a priest, and that they must therefore combine the influence of the Queen with that of Father Petre." Sunderland appears to have made some resistance even after this formidable threat; and Tyrconnel proposed that the young Duke of Berwick should marry his daughter, and be created Lord Lieutenant, while he himself should enjoy the power under the more modest title

of "Lord Deputy."* A council, consisting of Sunderland, Tyrconnel, and the Catholic ministers, was held on the affairs of Ireland in the month of October. The members who gave their opinions before Tyrconnel maintained the necessity of conforming to the Act of Settlement; but Tyrconnel exclaimed against them for advising the King to an act of injustice ruinous to the interests of religion. The conscience of James was alarmed, and he appointed the next day to hear the reasons of state which Sunderland had to urge on the opposite side. Tyrconnel renewed his vehement invectives against the iniquity and impiety of the counsels which he opposed; and Sunderland, who began as he often did with useful advice, ended, as usual, with a hesitating and ambiguous submission to his master's pleasure, trusting to accident and his own address to prevent or mitigate the execution of violent measures.† These proceedings decided the contest for office; and Tyrconnel received the sword of State as Lord Deputy on the 12th February, 1687.

The King's professions of equality and impartiality in the distribution of office between the two adverse communions were speedily and totally disregarded. The Lord Deputy and the greater part of the Privy Council, the Lord Chancellor with three fourths of the judges, all the King's counsel but one, almost all the sheriffs, and a majority of corporators and justices, were, in less than a year, Catholics;—numbers so disproportioned to the relative property, education, and ability for business, to be found in the two religions, that even if the appointments had not been tainted with the inexpiable blame of defiance to the laws, they must still have been regarded by the Pro-

* London Gazette. All these particulars are to be found in Sheridan's MS. It is but fair to add that, in a few months after Sheridan accompanied Tyrconnel to Ireland, they became violent enemies.

† D'Adda, 15th Nov. 1687. MS.

testants with the utmost apprehension, as indications of sinister designs. Fitten, the Chancellor, was promoted from the King's Bench prison, where he had been long a prisoner for debt; and he was charged, though probably without reason, by his opponents, with forgery, said to have been committed in a long suit with Lord Macclesfield. His real faults were ignorance and subserviency. Neither of these vices could be imputed to Sir Richard Nagle, the Catholic Attorney General, who seems chargeable only with the inevitable fault of being actuated by a dangerous zeal for his own suffering party. It does not appear that the Catholic judges actually abused their power. We have already seen that, instead of seeking to retaliate for the murders of the Popish Plot, they discountenanced prosecutions against their adversaries with a moderation and forbearance very rarely to be discovered in the policy of parties in the first moments of victory over long oppression. It is true that these Catholic judges gave judgment against the charters of towns; but in these judgments they only followed the example of the most eminent of their Protestant brethren in England.* The evils of insecurity and alarm were those which were chiefly experienced by the Irish Protestants. These mischiefs, very great in themselves, depended so much on the character, temper, and manner, of the Lord Deputy, on the triumphant or sometimes threatening conversation of

* Our accounts of Tyrconnel's Irish administration before the Revolution are peculiarly imperfect and suspicious. King, afterwards Archbishop of Dublin, whose State of the Protestants has been usually quoted as authority, was the most zealous of Irish Protestants, and his ingenious antagonist, Leslie, was the most inflexible of Jacobites. Though both were men of great abilities, their attention was so much occupied in personalities and in the discussion of controverted opinions, that they have done little to elucidate matters of fact. Clarendon and Sheridan's MS. agree so exactly in their picture of Tyrconnel, and have such an air of truth in their accounts of him, that it is not easy to refuse them credit, though they were both his enemies.

their Catholic neighbours, on the recollection of bloody civil wars, and on the painful consciousness which haunts the possessors of recently confiscated property, that it may be thought unreasonable to require any other or more positive proof of their prevalence. Some visible fruits of the alarm are pointed out. The Protestants, who were the wealthiest traders as well as the most ingenious artisans of the kingdom, began to emigrate: the revenue is said to have declined: the greater part of the Protestant officers of the army, alarmed by the removal of their brethren, sold their commissions for inadequate prices, and obtained military appointments in Holland, then the home of the exile and the refuge of the oppressed.* But that which Tyrconnel most pursued, and the Protestants most dreaded, was the repeal of the Act of Settlement. The new proprietors were not, indeed, aware how much cause there was for their alarms. Tyrconnel boasted that he had secured the support of the Queen by the present of a pearl necklace worth 10,000*l.*, which Prince Rupert had bequeathed to his mistress. In all extensive transfers of property not governed by rules of law, where both parties to a corrupt transaction have a great interest in concealment, and where there can seldom be any effective responsibility either judicial or moral, the suspicion of bribery must be incurred, and the temptation itself must often prevail. Tyrconnel asked Sheridan, his secretary, whether he did not think the Irish would give 50,000*l.* for the repeal of the Act of Settlement:—"Certainly," said Sheridan, "since the new interest paid three times that sum to the Duke of Ormonde for passing it." Tyrconnel then authorised Sheridan to offer to Lord Sunderland 50,000*l.* in money, or 5000*l.* a year in land for the repeal. Sunderland pre-

* "The Earl of Donegal," says Sheridan, "sold for 600 guineas a troop of horse which, two years before, cost him 1800 guineas." Sheridan MS.

ferred the 50,000*l.*; but with what seriousness of purpose cannot be ascertained, for the repeal was not adopted, and the money was never paid*; and he seems to have continued to thwart and traverse a measure which he did not dare openly to resist. The absolute abrogation of laws under which so much property was held seemed to be beset with such difficulty, that in the autumn of the following year Tyrconnel, on his visit to England, proposed a more modified measure, aimed only at affording a partial relief to the ancient proprietors. In the temper which then prevailed, a partial measure produced almost as much alarm as one more comprehensive, and was thought to be intended to pave the way for total resumption. The danger consisted in enquiry: the object of apprehension was any proceeding which brought this species of legal possession into question; and the proprietors dreaded the approach even of discussion to their invidious and originally iniquitous titles. It would be hard to expect that James should abstain from relieving his friends lest he might disturb the secure enjoyment of his enemies. Motives of policy, however, and some apprehensions of too sudden a shock to the feelings of Protestants in Great Britain, retarded the final adoption of this measure. It could only be carried into effect by the Parliament of Ireland; and it was not thought wise to call it together till every part of the internal policy of the kingdom which could influence the elections of that assembly should be completed. Probably, however, the delay principally arose from daring projects of separation and independence, which were entertained by Tyrconnel; and of which a short statement (in its most important parts hitherto unknown to the public) will conclude the account of his administration.

In the year 1666, towards the close of the first Dutch war, Louis XIV. had made preparations for

* Sheridan MS.

invading Ireland with an army of 20,000 men, under the Duc de Beaufort, — assured by the Irish ecclesiastics, that he would be joined by the Catholics, then more than usually incensed by the confirmation of the Act of Settlement, and by the English statutes against the importation of the produce of Ireland. To this plot (which was discovered by the Queen-Mother at Paris, and by her disclosed to Charles II.), it is not probable that so active a leader as Tyrconnel could have been a stranger.* We are informed by his secretary, that, during his visits to England in 1686, he made no scruple to avow projects of the like nature, when, after some remarks on the King's declining age, and on the improbability that the Queen's children, if ever she had any, should live beyond infancy, he declared, "that the Irish would be fools or madmen if they submitted to be governed by the Prince of Orange, or by Hyde's grand-daughters; that they ought rather to take that opportunity of resolving no longer to be the slaves of England, but to set up a king of their own under the protection of France, which he was sure would be readily granted;" and added that "nothing could be more advantageous to Ireland or ruinous to England."† His reliance on French support was probably founded on the general policy of Louis XIV., on his conduct towards Ireland

* There are obscure intimations of this intended invasion in Carte, Life of Ormonde, vol. ii. p. 328. The resolutions of the Parliament of Ireland concerning it are to be found in the Gazette, 25th—28th December, 1665. Louis XIV. himself tells us, that he had a correspondence with those whom he calls the "remains of Cromwell" in England, and "with the Irish Catholics, who, always discontented with their condition, seem ever ready to join any enterprise which may render it more supportable." Œuvres de Louis XIV., vol. ii. p. 203. Sheridan's MS. contains more particulars. It is supported by the printed authorities as far as they go; and being written at St. Germains, probably differed little in matters of fact from the received statements of the Jacobite exiles.

† Sheridan MS.

in 1666, and, perhaps, on information from Catholic ecclesiastics in France; but he was not long content with these grounds of assurance. During his residence in England in the autumn of 1687, he had recourse to decisive and audacious measures for ascertaining how far he might rely on foreign aid in the execution of his ambitious schemes. A friend of his at Court (whose name is concealed, but who probably was either Henry Jermyn or Father Petre) applied on his behalf to Bonrepos (then employed by the Court of Versailles in London, on a special mission*), expressing his desire, in case of the death of James II., to take measures to prevent Ireland from falling under the domination of the Prince of Orange, and to place that country under the protection of the Most Christian King. Tyrconnel expressed his desire that Bonrepos should go to Chester for the sake of a full discussion of this important proposition: but the wary minister declined a step which would have amounted to the opening of a negotiation, until he had authority from his Government. He promised, however, to keep the secret, especially from Barillon, who it was feared would betray it to Sunderland, then avowedly distrusted by the Lord Deputy. Bonrepos, in communicating this proposition to his Court, adds, that he very certainly knew the King of England's intention to be to deprive his presumptive heir of Ireland, to make that country an asylum for all his Catholic subjects, and to complete his measures on that subject in the course of five years, — a time which Tyrconnel thought much too long, and earnestly besought the King to abridge; and that the Prince of Orange certainly apprehended such designs. James himself told the Nuncio that one of the objects of the extraordinary mission of Dykveldt was the affair of Ireland, happily begun by Tyrconnel †; and

* Bonrepos to Seignelai, 4th Sept. 1687. Fox MSS.
† D'Adda, 7th Feb. 1687. MS.

the same prelate was afterwards informed by Sunderland, that Dykveldt had expressed a fear of some general designs against the succession of the Prince and Princess of Orange.* Bonrepos was speedily instructed to inform Tyrconnel, that if on the death of James he could maintain himself in Ireland, he might rely on effectual aid from Louis to preserve the Catholic religion, and to separate that country from England, when under the dominion of a Protestant sovereign.† Tyrconnel is said to have agreed, without the knowledge of his own master, to put four Irish sea ports, Kinsale, Waterford, Limerick, and either Galway or Coleraine, into the hands of France.‡ The remaining particulars of this bold and hazardous negotiation were reserved by Bonrepos till his return to Paris; but he closes his last despatch with the singular intimation that several Scotch lords had sounded him on the succour they might expect from France, on the death of James, to exclude the Prince and Princess of Orange from the throne of Scotland. Objects so far beyond the usual aim of ambition, and means so much at variance with prudence as well as duty, could hardly have presented themselves to any mind whose native violence had not been inflamed by an education in the school of conspiracy and insurrection;—nor even to such but in a country which, from the division of its inhabitants, and the impolicy of its administration, had constantly stood on the brink of the most violent revolutions; where quiet seldom subsisted long but as the bitter fruit of terrible examples of cruelty and rapine; and where the majority of the people easily listened to offers of foreign aid against a government which they considered as the most hostile of foreigners.

* Id. 20th June.
† Seignelai to Bonrepos, 29th Sept. Fox MSS.
‡ Sheridan MS.

CHAPTER V.

RUPTURE WITH THE PROTESTANT TORIES.—INCREASED DECISION OF THE KING'S DESIGNS.—ENCROACHMENTS ON THE CHURCH ESTABLISHMENT.—CHARTER-HOUSE.—OXFORD, UNIVERSITY COLLEGE.—CHRIST CHURCH.—EXETER COLLEGE, CAMBRIDGE.—OXFORD, MAGDALEN COLLEGE.—DECLARATION OF LIBERTY OF CONSCIENCE.—SIMILAR ATTEMPTS OF CHARLES.—PROCLAMATION AT EDINBURGH.—RESISTANCE OF THE CHURCH.—ATTEMPT TO CONCILIATE THE NONCONFORMISTS.—REVIEW OF THEIR SUFFERINGS.—BAXTER.—BUNYAN.—PRESBYTERIANS.—INDEPENDENTS.—BAPTISTS.—QUAKERS.—ADDRESSES OF THANKS FOR THE DECLARATION.

In the beginning of the year 1687 the rupture of James with the powerful party who were ready to sacrifice all but the Church to his pleasure appeared to be irreparable. He had apparently destined Scotland to set the example of unbounded submission, under the forms of the constitution; and he undoubtedly hoped that the revolution in Ireland would supply him with the means of securing the obedience of his English subjects by intimidation or force. The failure of his project in the most Protestant part of his dominions, and its alarming success in the most Catholic, alike tended to widen the breach between parties in England. The Tories were alienated from the Crown by the example of their friends in Scotland, as well as by their dread of the Irish. An unreserved compliance with the King's designs became notoriously the condition by which office was to be obtained or preserved; and, except a very few instances of personal friendship, the public profession of the Catholic faith was required as the only security for that compliance. The royal confidence and the direction of public affairs were transferred from the Protestant Tories, in spite of their services and sufferings during half a century, into the hands of a faction, who, as their title to power was zeal for the

advancement of Popery, must be called "Papists;". though some of them professed the Protestant religion, and though their maxims of policy, both in Church and State, were dreaded and resisted by the most considerable of the English Catholics.

It is hard to determine, — perhaps it might have been impossible for James himself to say, — how far his designs for the advancement of the Roman Catholic Church extended at the period of his accession to the throne. It is agreeable to the nature of such projects that he should not, at first, have dared to avow to himself any intention beyond that of obtaining relief for his religion, and of placing it in a condition of safety and honour; but it is altogether improbable that he had even then steadily fixed on a secure toleration as the utmost limit of his endeavours. His schemes were probably vague and fluctuating, assuming a greater distinctness with respect to the removal of grievous penalties and disabilities, but always ready to seek as much advantage for his Church as the progress of circumstances should render attainable: — sometimes drawn back to toleration by prudence or fear, and on other occasions impelled to more daring counsels by the pride of success, or by anger at resistance. In this state of fluctuation it is not altogether irreconcileable with the irregularities of human nature that he might have sometimes yielded a faint and transient assent to those principles of religious liberty which he professed in his public acts; though even this superficial sincerity is hard to be reconciled with his share in the secret treaty of 1670, — with his administration of Scotland, where he carried his passion for intolerance so far as to be the leader of one sect of heretics in the bloody persecution of another, — and with his language to Barillon, to whom, at the very moment of his professed toleration, he declared his approbation of the cruelties of Louis XIV. against his own

Protestant subjects.* It would be extravagant to expect that the liberal maxims which adorned his public declarations had taken such a hold on his mind as to withhold him from endeavouring to establish his own religion as soon as his sanguine zeal should lead him to think it practicable; or that he should not in process of time go on to guard it by that code of disabilities and penalties which was then enforced by every state in Europe except Holland, and deemed indispensable security for their religion, by every Christian community, except the obnoxious sects of the Socinians, Independents, Anabaptists, and Quakers. Whether he meditated a violent change of the Established religion from the beginning, or only entered on a course of measures which must terminate in its subversion, is rather a philosophical than a political question. In both cases, apprehension and resistance were alike reasonable; and in neither could an appeal to arms be warranted until every other means of self-defence had proved manifestly hopeless.

Whatever opinions may be formed of his intentions at an earlier period, it is evident that in the year 1687 his resolution was taken; though still no doubt influenced by the misgivings and fluctuations incident to vast and perilous projects, especially when they are entertained by those whose character is not so daring as their designs. All the measures of his internal government, during the eighteen months which ensued, were directed to the overthrow of the Established Church, — an object which was to be attained by assuming a power above law, and could

* "J'ai dit au Roi que V. M. n'avoit plus au cœur que de voir prospérer les soins qu'il prends ici pour y établir la religion Catholique. S. M. B. me dit en me quittant; 'Vous voyez que je n'omêts rien de ce qui est en mon pouvoir. J'espère que le Roi votre maître m'aidera, et que *nous ferons* de concert des grandes choses pour la religion.'" Barillon, 12th May, 1687. Fox MSS.

only be preserved by a force sufficient to bid defiance to the repugnance of the nation. An absolute monarchy, if not the first instrument of his purpose, must have been the last result of that series of victories over the people which the success of his design required. Such, indeed, were his conscientious opinions of the constitution, that he thought the Habeas Corpus Act inconsistent with it; and so strong was his conviction of the necessity of military force to his designs at that time, that in his dying advice to his son, written long afterwards, in secrecy and solitude, after a review of his own government, his injunction to the Prince is, — "Keep up a considerable body of Catholic troops, without which you cannot be safe."* The liberty of the people, and even the civil constitution, were as much the objects of his hostility as the religion of the great majority, and were their best security against ultimate persecution.

The measures of the King's domestic policy, indeed, consisted rather in encroachments on the Church than in measures of relief to the Catholics. He had, in May, 1686, granted dispensations to the curate of Putney, a convert to the Church of Rome, enabling him to hold his benefices, and relieving him from the performance of all the acts inconsistent with his new religion, which a long series of statutes had required clergymen of the Church of England to perform.† By following this precedent, the King might have silently transferred to ecclesiastics of his own com-

* Life of James II., vol. ii. p. 621.

† Gutch, Collectanea Curiosa, vol. i. p. 290., and Reresby, p. 233. Sclater publicly recanted the Romish religion on the 5th of May, 1689, — a pretty rapid retreat. Account of E. Sclater's Return to the Church of England, by Dr. Horneck. London, 1689. It is remarkable that Sancroft so far exercised his archiepiscopal jurisdiction as to authorise Sclater's admission to the Protestant communion on condition of public recantation, at which Burnet preached: yet the pious Horneck owns that the juncture of time tempted him to smile.

munion many benefices in every diocese in which the bishop had not the courage to resist the dispensing power. The converted incumbents would preserve their livings under the protection of that prerogative, and Catholic priests might be presented to benefices without any new ordination; for the Church of England, — although she treats the ministers of any other Protestant communion as being only in pretended holy orders, — recognises the ordination of the Church of Rome, which she sometimes calls "idolatrous," in order to maintain, even through such idolatrous predecessors, that unbroken connection with the apostles which she deems essential to the power of conferring the sacerdotal character. This obscure encroachment, however, escaped general observation.

The first attack on the laws to which resistance was made was a royal recommendation of Andrew Popham, a Catholic, to the Governors of the Charter House (a hospital school, founded by a merchant of London, named Sutton, on the site of a Carthusian monastery), to be received by them as a pensioner on their opulent establishment, without taking the oaths required both by the general law and by a private statute passed for the government of that foundation.* Among the Governors were persons of the highest distinction in Church and State. The Chancellor, at their first meeting, intimated the necessity of immediate compliance with the King's mandate. Thomas Burnet, the Master, a man justly celebrated for genius, eloquence, and learning, had the courage to maintain the authority of the laws against an opponent so formidable. He was supported by the aged Duke of Ormonde, and Jeffrey's motion was negatived. A second letter to the same effect was addressed to the Governors, which they persevered in resisting; assigning their reasons in an answer to one of the

* Relation of the Proceedings at the Charter House, London, 1689. Carte, Life of Ormonde, vol. ii. p. 246.

Secretaries of State, which was subscribed by the Archbishop of Canterbury, the Bishop of London, Ormonde, Halifax, Nottingham, and Danby. This courageous resistance by a single clergyman, countenanced by such weighty names, induced the Court to pause till experiments were tried in other places, where politicians so important could not directly interfere. The attack on the Charter House was suspended and never afterwards resumed. To Burnet, who thus threw himself alone into the breach, much of the merit of the stand which followed justly belongs. He was requited like other public benefactors: his friends forgot the service, and his enemies were excited by the remembrance of it to defeat his promotion, on the pretext of his free exercise of reason in the interpretation of the Scriptures, — which the Established Clergy zealously maintained in vindication of their own separation from the Roman Church, but treated with little tenderness in those who dissented from their own creed.

Measures of a bolder nature were resorted to on a more conspicuous stage. The two great Universities of Oxford and Cambridge, the most opulent and splendid literary institutions of Europe, were from their foundation under the government of the clergy, — the only body of men who then possessed sufficient learning to conduct education. Their constitution had not been much altered at the Reformation: the same reverence which spared their monastic regulations happily preserved their rich endowments from rapine; and though many of their members suffered at the close of the Civil War from their adherence to the vanquished party, the corporate property was undisturbed, and their studies flourished both under the Commonwealth and the Protectorate. Their fame as seats of learning, their station as the ecclesiastical capitals of the kingdom, and their ascendant over the susceptible minds of all youth of family and fortune, now rendered them the chief scene of the decisive

contest between James and the Established Church. Obadiah Walker, Master of University College, Oxford, a man of no small note for ability and learning, and long a concealed Catholic, now obtained for himself, and two of his fellows, a dispensation from all those acts of participation in the Protestant worship which the laws since the Reformation required, together with a licence for the publication of books of Catholic theology.* He established a printing-press, and a Catholic chapel in his college, which was henceforth regarded as having fallen into the hands of the Catholics. Both these exertions of the prerogative had preceded the determination of the judges, which was supposed by the King to establish its legality.

Animated by that determination, he (contrary to the advice of Sunderland, who thought it safer to choose a well-affected Protestant,) proceeded to appoint one Massey, a Catholic, who appears to have been a layman, to the high station of Dean of Christ Church, by which he became a dignitary of the Church as well as the ruler of the greatest college in the University. A dispensation and pardon had been granted to him on the 16th of December, 1686, dispensing with the numerous statutes standing in the way of his promotion, one of which was the Act of Uniformity,—the only foundation of the legal establishment of the Church.† His refusal of the oath of supremacy was recorded; but he was, notwithstanding, installed in the deanery without resistance or even remonstrance, by Aldrich, the Sub-Dean, an eminent divine of the High Church party, who, on the part of the College, accepted the dispensation as a substitute for the oaths required by law. Massey appears to have attended the chapter officially on several occasions, and to have

* Gutch, Collectanea Curiosa, vol. i. p. 287. Athenæ Oxonienses, vol. iv. p. 438. Dodd, Church History, vol. iii. p. 454.

† Gutch, vol. ii. p. 294. The dispensation to Massey contained an ostentatious enumeration of the laws which it sets at defiance.

presided at the election of a Bishop of Oxford near two years afterwards. Thus did that celebrated society, overawed by power, or still misled by their extravagant principle of unlimited obedience, or, perhaps, not yet aware of the extent of the King's designs, recognise the legality of his usurped power by the surrender of an academical office of ecclesiastical dignity into hands which the laws had disabled from holding it. It was no wonder, that the unprecedented vacancy of the Archbishopric of York for two years and a half was generally imputed to the King's intending it for Father Petre; — a supposition countenanced by his frequent application to Rome to obtain a bishopric and a cardinal's hat for that Jesuit*: for if he had been a Catholic bishop, and if the chapter of York were as submissive as that of Christ Church, the royal dispensation would have seated him on the archiepiscopal throne. The Jesuits were bound by a vow† not to accept bishoprics unless compelled by a precept from the Pope, so that his interference was necessary to open the gates of the English Church to Petre.

An attempt was made on specious grounds to take possession of another college by a suit before the Ecclesiastical Commissioners, in which private individuals were the apparent parties. The noble family of Petre (of whom Father Edward Petre was one), in January, 1687, claimed the right of nomination to seven fellowships in Exeter College, which had been founded there by Sir William Petre, in the reign of Elizabeth. It was acknowledged on the part of the College, that Sir William and his son had exercised that power, though the latter, as they contended, had

* Dodd, vol. iii. p. 511. D'Adda MSS.

† Imposed by Ignatius, at the suggestion of Claude Le Jay, an original member of the order, who wished to avoid a bishopric, probably from humility: but the regulation afterwards prevented the Jesuits from looking for advancement any where but to Rome.

nominated only by sufferance. The Bishop of Exeter, the Visitor, had, in the reign of James I., pronounced an opinion against the founder's descendants; and a judgment had been obtained against them in the Court of Common Pleas about the same time. Under the sanction of these authorities, the College had for seventy years nominated without disturbance to these fellowships. Allibone, the Catholic lawyer, contended, that this long usage, which would otherwise have been conclusive, deserved little consideration in a period of such iniquity towards Catholics that they were deterred from asserting their civil rights. Lord Chief Justice Herbert observed, that the question turned upon the agreement between Sir William Petre and Exeter College, under which that body received the fellows on his foundation. Jeffreys, perhaps, fearful of violent measures at so early a stage, and taking advantage of the non-appearance of the Crown as an ostensible party, declared his concurrence with the Chief Justice; and the Court determined that the suit was a civil case, dependent on the interpretation of a contract, and therefore not within their jurisdiction as Commissioners of Ecclesiastical Causes. Sprat afterwards took some merit to himself for having contributed to save Exeter College from the hands of the enemy: but the concurrence of the Chancellor and Chief Justice, and the technical ground of the determination, render the vigour and value of his resistance very doubtful.*

The honour of opposing the illegal power of the Crown devolved on Cambridge, second to Oxford in rank and magnificence, but then more distinguished by zeal for liberty;—a distinction probably originating in the long residence of Charles I. at Oxford,

* Sprat's Letter to Lord Dorset, p. 12. This case is now published from the Records of Exeter College, for the first time, through the kind permission of Dr. Jones, the present [1826] Rector of that society.

and in the prevalence of the Parliamentary party at the same period, in the country around Cambridge. The experiment was made now on the whole University; but it was of a cautious and timid nature, and related to a case important in nothing but the principle which it would have established. Early in February, of this year, the King had recommended Alban Francis, a Benedictine monk (said to have been a missionary employed to convert the young scholars to the Church of Rome on whom an academical honour could hardly have been conferred without some appearance of countenancing his mission) to be admitted a master of arts,—which was a common act of kingly authority; and had granted him a dispensation from the oaths appointed by law to be taken on such an admission.* Peachell, the Vice-Chancellor, declared, that he could not tell what to do,—to decline his Majesty's letter or his laws. Men of more wisdom and courage persuaded him to choose the better part: and he refused the degree without the legal condition.† On the complaint of Francis he was summoned before the Ecclesiastical Commissioners to answer for his disobedience, and (though vigorously supported by the University, who appointed deputies to attend him to the bar of the hostile tribunal), after several hearings was deprived of his Vice-Chancellorship, and suspended from his office of Master of Magdalen College. Among those deputies at the bar, and probably undistinguished from the rest by the ignorant and arrogant Chancellor, who looked down upon them all with the like scorn, stood Isaac Newton, Professor of Mathematics in the Uni-

* State Trials, vol. xi. p. 1350. Narcissus Luttrell, April and May, 1687. MS

† Pepys, Memoirs, vol. ii. Correspondence, p. 79. He consistently pursued the doctrine of passive obedience. "If," says he, "his Majesty, in his wisdom, and according to his supreme power, contrive other methods to satisfy himself, I shall be no murmurer or complainer, but can be no abettor." Ibid. p. 81.

versity, then employed in the publication of a work which will perish only with the world, but who showed on that, as on every other fit opportunity in his life, that the most sublime contemplations and the most glorious discoveries could not withdraw him from the defence of the liberties of his country.

But the attack on Oxford, which immediately ensued, was the most memorable of all. The Presidency of Magdalen College, one of the most richly endowed communities of the English Universities, had become vacant at the end of March, which gave occasion to immediate attempts to obtain from the King a nomination to that desirable office. Smith, one of the fellows, paid his court, with this view, to Parker, the treacherous Bishop of Oxford, who, after having sounded his friends at Court, warned him "that the King expected the person to be recommended should be favourable to his religion." Smith answered by general expressions of loyalty, which Parker assured him "would not do." A few days afterwards, Sancroft anxiously asked Smith who was to be the President; to which he answered, "Not I; I never will comply with the conditions." Some rumours of the projects of James having probably induced the fellows to appoint the election for the 13th of April, on the 5th of that month the King issued his letter mandatory, commanding them to make choice of Anthony Farmer*,—not a member of the College, and a recent convert to the Church of Rome, "any statute or custom to the contrary notwithstanding." On the 9th, the fellows agreed to a petition to the King, which was delivered the next day to Lord Sunderland, to be laid before his Majesty, in which they alleged that Farmer was legally incapable of holding the office, and prayed either that they might be left to make a free election, or that the King would recommend some person fit to be preferred. On the 11th, the mandate arrived,

* State Trials, vol. xii. p. 1.

and on the 13th the election was postponed to the 15th,—the last day on which it could by the statutes be held,—to allow time for receiving an answer to the petition. On that day they were informed that the King "expected to be obeyed." A small number of the senior fellows proposed a second petition; but the larger and younger part rejected the proposal with indignation, and proceeded to the election of Mr. Hough, after a discussion more agreeable to the natural feelings of injured men than to the principles of passive obedience recently promulgated by the University.* The fellows were summoned, in June, before the Ecclesiastical Commission, to answer for their contempt of his Majesty's commands. On their appearance, Fairfax, one of their body, having desired to know the commission by which the Court sat, Jeffreys said to him, "What commission have you to be so impudent in Court? This man ought to be kept in a dark room. Why do you suffer him without a guardian?"† On the 22d of the same month, Hough's election was pronounced to be void, and the Vice-President, with two of the fellows, were suspended. But proofs of such notorious and vulgar profligacy had been produced against Farmer, that it was thought necessary to withdraw him in August; and the fellows were directed by a new mandate to admit Parker, Bishop of Oxford, to the presidency. This man was as much disabled by the statutes of the College as Farmer; but as servility and treachery, though immoralities often of a deeper dye than debauchery, are neither so capable of proof nor so easily stripped of their disguises, the fellows were by this

* "Hot debates arose about the King's letter, and horrible rude reflections were made upon his authority, that he had nothing to do in our affair, *and things of a far worse nature and consequence.* I told one of them that the spirit of Ferguson had got into him." Smith's Diary, State Trials, vol. xii. p. 58.

† In Narcissus Luttrell's Diary, Jeffreys is made to say of Fairfax, "He is fitter to be in a madhouse."

recommendation driven to the necessity of denying the dispensing power. Their inducements, however, to resist him, were strengthened by the impossibility of representing them to the King. Parker, originally a fanatical Puritan, became a bigoted Churchman at the Restoration, and disgraced abilities not inconsiderable by the zeal with which he defended the persecution of his late brethren, and by the unbridled ribaldry with which he reviled the most virtuous men among them. His labours for the Church of England were no sooner rewarded by the bishopric of Oxford, than he transferred his services, if not his faith, to the Church of Rome, which then began to be openly patronised by the Court, and seems to have retained his station in the Protestant hierarchy in order to contribute more effectually to its destruction. The zeal of those who are more anxious to recommend themselves than to promote their cause is often too eager: and the convivial enjoyments of Parker often betrayed him into very imprudent and unseemly language.* Against such an intruder the College had the most powerful motives to make a vigorous resistance. They were summoned into the presence of the King, when he arrived at Oxford in September, and was received by the body of the University with such demonstrations of loyalty as to be boasted of in the Gazette. "The King chid them very much for their disobedience," says one of his attendants, "and with a much greater appearance of anger than ever I perceived in his Majesty; who bade them go away and choose the Bishop of Oxford, or else they should certainly feel the weight of their Sovereign's displeasure."† They answered respectfully, but persevered. They further received private warnings, that it was

* Athenæ Oxonienses, vol. ii. p. 814. It appears that he refused on his death-bed to declare himself a Catholic, which Evelyn justly thinks strange. Memoirs, vol. i. p. 605.

† Blathwayt, Secretary of War, Pepys, vol. ii. Correspondence, p. 86.

better to acquiesce in the choice of a head of suspected religion, such as the Bishop, than to expose themselves to be destroyed by the subservient judges, in proceedings of *quo warranto* (for which the inevitable breaches of their innumerable statutes would supply a fairer pretext than was sufficient in the other corporations), or to subject themselves to innovations in their religious worship which might be imposed by the King in virtue of his undefined supremacy over the Church.*

These insinuations proving vain, the King issued a commission to Cartwright, Bishop of Chester, Chief Justice Wright, and Baron Jenner, to examine the state of the College, with full power to alter the statutes and frame new ones, in execution of the authority which the King claimed as supreme visitor of cathedrals and colleges, and which was held to supersede the powers of their ordinary visitors. The commissioners accordingly arrived at Oxford on the 20th of October, for the purpose of this royal visitation; and the object of it was opened by Cartwright in a speech full of anger and menace. Hough maintained his own rights and those of his College with equal decorum and firmness. On being asked whether he submitted to the visitation, he answered, "We submit to it as far as it is consistent with the laws of the land and the statutes of the College, but no farther. There neither is nor can be a President as long as I live and obey the statutes." The Court cited five cases of nomination to the Presidency by the Crown since the Reformation, of which he appears to have disputed only one. But he was unshaken: he refused to give up possession of his house to Parker; and when, on the second day, they deprived him of the Presidency, and struck his name off the books, he came into the hall, and protested "against all they had done in prejudice of his right, as illegal, unjust, and null." The strangers and young scholars loudly ap-

* State Trials, vol. xii. p. 19.

plauded his courage, which so incensed the Court, that the Chief Justice bound him to appear in the King's Bench in a thousand pounds. Parker having been put into possession by force, a majority of the fellows were prevailed on to submit, "as far as was lawful and agreeable to the statutes of the College." The appearance of compromise, to which every man feared that his companion might be tempted to yield, shook their firmness for a moment. Fortunately the imprudence of the King set them again at liberty. The answer with which the commissioners were willing to be content did not satisfy him. He required a written submission, in which the fellows should acknowledge their disobedience, and express their sorrow for it. On this proposition they withdrew their former submission, and gave in a writing in which they finally declared "that they could not acknowledge themselves to have done any thing amiss." The Bishop of Chester, on the 16th of November, pronounced the judgment of the Court; by which, on their refusal to subscribe a humble acknowledgment of their errors, they were deprived and expelled from their fellowships. Cartwright, like Parker, had originally been a Puritan, and was made a Churchman by the Restoration; and running the same race, though with less vigorous powers, he had been made Bishop of Chester for a sermon, inculcating the doctrine, that the promises of kings were not binding.* Within a few months after these services at Oxford, he was rebuked by the King, for saying in his cups that Jeffreys and Sunderland would deceive him.† Suspected as he was of more opprobrious vices, the merit of being useful in an odious project was sufficient to cancel all private

* "The King hath, indeed, promised to govern by law; but the safety of the people (of which he is judge) is an exception implied in every monarchical promise." Sermon at Ripon, 6th February, 1686. See also his sermon on the 30th January, 1682, at Holyrood House, before the Lady Anne.

† Narcissus Luttrell, February, 1688. MS.

guilt; and a design was even entertained of promoting him to the see of London, as soon as the contemplated deprivation of Compton should be carried into execution.*

Early in December, the recusant fellows were incapacitated from holding any benefice or preferment in the Church by a decree of the Ecclesiastical Commissioners, which passed that body, however, only by a majority of one;—the minority consisting of Lord Mulgrave, Lord Chief Justice Herbert, Baron Jenner, and Sprat, Bishop of Rochester, who boasts, that he laboured to make the Commission, which he countenanced by his presence, as little mischievous as he could.† This rigorous measure was probably adopted from the knowledge that many of the nobility and gentry intended to bestow livings on many of the ejected fellows.‡ The King told Sir Edward Seymour, that he had heard that he and others intended to take some of them into their houses, and added that he should look on it as a combination against himself.§ But in spite of these threats considerable collections were made for them; and when the particulars of the transaction were made known in Holland, the Princess of Orange contributed two hundred pounds to their relief.‖ It was probably by these same threats that a person so prudent as well as mild was so transported beyond her usual meekness as to say to D'Abbeville, James's minister at the Hague, that if she ever became Queen, she would signalise her zeal for the Church more than Elizabeth.

The King represented to Barillon the apparently

* Johnstone (son of Warriston) to Burnet, 8th December, 1687. Welbeck MS. Sprat, in his Letter to Lord Dorset, speaks of "farther proceedings" as being meditated against Compton.

† Johnstone, ibid. He does not name the majority: they, probably, were Jeffreys, Sunderland, the Bishops of Chester and Durham, and Lord Chief Justice Wright.

‡ Johnstone, 17th Nov. MS. § Id. 8th Dec. MS.

‖ Smith's Diary, State Trials, vol. xii. p. 73.

triumphant progress which he had just made through the South and West of England, as a satisfactory proof of the popularity of his person and government.* But that experienced statesman, not deceived by these outward shows, began from that moment to see more clearly the dangers which James had to encounter. An attack on the most opulent establishment for education of the kingdom, the expulsion of a body of learned men from their private property without any trial known to the laws, and for no other offence than obstinate adherence to their oaths, and the transfer of their great endowments to the clergy of the King's persuasion, who were legally unable to hold them, even if he had justly acquired the power of bestowing them, were measures of bigotry and rapine,—odious and alarming without being terrible,—by which the King lost the attachment of many friends, without inspiring his opponents with much fear. The members of Magdalen College were so much the objects of general sympathy and respect, that though they justly obtained the honours of martyrdom, they experienced little of its sufferings. It is hard to imagine a more unskilful attempt to persecute, than that which thus inflicted sufferings most easily relieved on men who were most generally respected. In corporations so great as the University the wrongs of every member were quickly felt and resented by the whole body; and the prevalent feeling was speedily spread over the kingdom, every part of which received from thence preceptors in learning and teachers of religion,—a circumstance of peculiar importance at a period when publication still continued to be slow and imperfect. A contest for a corporate right has the advantage of seeming more generous than that for individual interest; and corporate spirit itself is one of the most steady and inflexible principles of human action. An invasion of the legal possessions of the Universities

* Barillon, 23d—29th Sept. Fox MSS.

was an attack on the strongholds as well as palaces of the Church, where she was guarded by the magnificence of art, and the dignity and antiquity of learning, as well as by respect for religion. It was made on principles which tended directly to subject the whole property of the Church to the pleasure of the Crown; and as soon as, in a conspicuous and extensive instance, the sacredness of legal possession is intentionally violated, the security of all property is endangered. Whether such proceedings were reconcileable to law, and could be justified by the ordinary authorities and arguments of lawyers, was a question of very subordinate importance.

At an early stage of the proceedings against the Universities, the King, not content with releasing individuals from obedience to the law by dispensations in particular cases, must have resolved on altogether suspending the operation of penal laws relating to religion by one general measure. He had accordingly issued, on the 4th of April, "A Declaration for Liberty of Conscience;" which, after the statement of those principles of equity and policy on which religious liberty is founded, proceeds to make provisions in their own nature so wise and just that they want nothing but lawful authority and pure intention to render them worthy of admiration. It suspends the execution of all penal laws for nonconformity, and of all laws which require certain acts of conformity, as qualifications for civil or military office; it gives leave to all men to meet and serve God after their own manner, publicly and privately; it denounces the royal displeasure and the vengeance of the land against all who should disturb any religious worship; and, finally, "in order that his loving subjects may be discharged from all penalties, forfeitures, and disabilities, which they may have incurred, it grants them a free pardon for all crimes by them committed against the said penal laws." This Declaration, founded on the supposed power of suspending laws, was, in several

respects, of more extensive operation than the exercise of the power to dispense with them. The laws of disqualification only became penal when the Nonconformist was a candidate for office, and not necessarily implying immorality in the person disqualified, might, according to the doctrine then received, be the proper object of a dispensation. But some acts of nonconformity, which might be committed by all men, and which did not of necessity involve a conscientious dissent, were regarded as in themselves immoral, and to them it was acknowledged that the dispensing power did not extend. Dispensations, however multiplied, are presumed to be grounded on the special circumstances of each case. But every exercise of the power of indefinitely suspending a whole class of laws which must be grounded on general reasons of policy, without any consideration of the circumstances of particular individuals, is evidently a more undisguised assumption of legislative authority. There were practical differences of considerable importance. No dispensation could prevent a legal proceeding from being commenced and carried on as far as the point where it was regular to appeal to the dispensation as a defence. But the declaration which suspended the laws stopped the prosecutor on the threshold; and in the case of disqualification it seemed to preclude the necessity of all subsequent dispensations to individuals. The dispensing power might remove disabilities, and protect from punishment; but the exemption from expense, and the security against vexation, were completed only by this exercise of the suspending power.

Acts of a similar nature had been twice attempted by Charles II. The first was the Declaration in Ecclesiastical Affairs, in the year of his restoration; in which, after many concessions to Dissenters, which might be considered as provisional, and binding only till the negotiation for a general union in religion should be closed, he adds, "We hereby renew what we promised in our Declaration from Breda, that no

man should be disquieted for difference of opinion in matters of religion, which do not disturb the peace of the kingdom."* On the faith of that promise the English Nonconformists had concurred in the Restoration; yet the Convention Parliament itself, in which the Presbyterians were powerful, if not predominant, refused, though by a small majority, to pass a bill to render this tolerant Declaration effectual.† But the next Parliament, elected under the prevalence of a different spirit, broke the public faith by the Act of Uniformity, which prohibited all public worship and religious instruction, except such as were conformable to the Established Church.‡ The zeal of that assembly had, indeed, at its opening, been stimulated by Clarendon, the deepest stain on whose administration was the renewal of intolerance.§ Charles, whether most actuated by love of quiet, or by indifference to religion, or by a desire to open the gates to Dissenters, that Catholics might enter, made an attempt to preserve the public faith, which he had himself pledged, by the exercise of his dispensing power. In the end of 1662 he had published another Declaration‖, in which he assured peaceable Dissenters, who were only desirous modestly to perform

* Kennet, History, vol. iii. p. 242.

† Commons' Journals, 28th November, 1660. On the second reading the numbers were — ayes, 157; noes, 183. Sir G. Booth, a teller for the ayes, was a Presbyterian leader.

‡ 14 Car. II. c. iv.

§ Speeches, 8th May, 1661, and 19th May, 1662. "The Lords Clarendon and Southampton, together with the Bishops, were the great opposers of the King's intention to grant toleration to Dissenters, according to the promise at Breda." Life of James II. vol. i. p. 391. These, indeed, are not the words of the King; but for more than twelve years on this part of his Life, the compiler, Mr. Dicconson, does not quote James's MSS.

‖ Kennet, Register, p. 850. The concluding paragraph, relating to Catholics, is a model of that stately ambiguity under which the style of Clarendon gave him peculiar facilities of cloaking an unpopular proposal.

their devotions in their own way, that he would make it his special care to incline the wisdom of Parliament to concur with him in making some act which, he adds, "may enable us to exercise, with a more universal satisfaction, the dispensing power which we conceive to be inherent in us." In the speech with which he opened the next session, he only ventured to say, "I could heartily wish I had such a power of indulgence." The Commons, however, better royalists or more zealous Churchmen than the King, resolved "that it be represented to his Majesty, as the humble advice of this House, that no indulgence be granted to Dissenters from the Act of Uniformity*;" and an address to that effect was presented to him, which had been drawn up by Sir Heneage Finch, his own Solicitor-General. The King, counteracted by his ministers, almost silently acquiesced; and the Parliament proceeded, in the years which immediately followed, to enact that series of persecuting laws which disgrace their memory, and dishonour an administration otherwise not without claims on our praise. It was not till the beginning of the second Dutch war, that "a Declaration for indulging Nonconformists in matters ecclesiastical" was advised by Sir Thomas Clifford, for the sake of Catholics, and embraced by Shaftesbury for the general interests of religious liberty.†

* Journals, 25th Feb. 1663.

† "We think ourselves obliged to make use of that supreme power in ecclesiastical matters which is inherent in us. We declare our will and pleasure, that the execution of all penal laws in matters ecclesiastical be suspended; and we shall allow a sufficient number of places of worship as they shall be desired, for the use of those who do not conform to the Church of England:—without allowing public worship to Roman Catholics." Most English historians tell us that Sir Orlando Bridgman refused to put the Great Seal to this Declaration, and that Lord Shaftesbury was made Chancellor to seal it. The falsehood of this statement is proved by the mere inspection of the London Gazette, by which we see that the Declaration was issued on the 15th of March, 1672, when Lord Shaftesbury was not yet appointed. See Locke's

A considerable debate on this Declaration took place in the House of Commons, in which Waller alone had the boldness and liberality to contend for the toleration of the Catholics; but the principle of freedom of conscience, and the desire to gratify the King, yielded to the dread of prerogative and the enmity to the Church of Rome. An address was presented to the King, "to inform him that penal statutes in matters ecclesiastical cannot be suspended but by Act of Parliament;" to which the King returned an evasive answer. The House presented another address, declaring "that the King was very much misinformed, no such power having been claimed or recognised by any of his predecessors, and if admitted might tend to altering the legislature, which has always been acknowledged to be in your Majesty and your two Houses of Parliament;" — in answer to which the King said, "If any scruple remains concerning the suspension of the penal laws, I hereby faithfully promise that what hath been done in that particular shall not be drawn either into consequence or example." The Chancellor and Secretary Coventry, by command of the King, acquainted both Houses separately, on the same day, that he had caused the Declaration to be cancelled in his presence; on which both Houses immediately voted, and presented in a body, an unanimous address of thanks to his Majesty, "for his gracious, full, and satisfactory answer."* The whole of this transaction undoubtedly amounted to a solemn and final condemnation of the pretension to a suspending power by the King in Parliament: it was in substance not distinguishable from a declaratory law; and the forms of a statute seem to have been dispensed with only to avoid the appearance of distrust or discourtesy towards Charles. We can

Letter from a Person of Quality, and the Life of Shaftesbury (unpublished), p. 247.

* Journals, 8th March, 1673.

discover, in the very imperfect accounts which are preserved of the debates of 1673, that the advocates of the Crown had laid main stress on the King's ecclesiastical supremacy; it being, as they reasoned, evident that the head of the Church should be left to judge when it was wise to execute or suspend the laws intended for its protection. They relied also on the undisputed right of the Crown to stop the progress of each single prosecution which seemed to justify, by analogy, a more general exertion of the same power.

James, in his Declaration of Indulgence, disdaining any appeals to analogy or to his supremacy, chose to take a wider and higher ground, and concluded the preamble in the tone of a master:—"We have thought fit, by virtue of our royal prerogative, to issue forth this our Declaration of Indulgence, making no doubt of the concurrence of our two Houses of Parliament, when we shall think it convenient for them to meet." His Declaration was issued in manifest defiance of the parliamentary condemnation pronounced on that of his brother, and it was introduced in language of more undefined and alarming extent. On the other hand, his measure was countenanced by the determination of the judges, and seemed to be only a more compendious and convenient manner of effecting what these perfidious magistrates had declared he might lawfully do. Their iniquitous decision might excuse many of those who were ignorant of the means by which it was obtained; but the King himself, who had removed judges too honest to concur in it, and had neither continued nor appointed any whose subserviency he had not first ascertained, could plead no such authority in mitigation. He had dictated the oracle which he affected to obey. It is very observable that he himself, or rather his biographer (for it is not just to impute this base excuse to himself), while he claims the protecting authority of the adjudication, is prudently silent on the unrighteous

practices by which that show of authority was purchased.*

The way had been paved for the English Declaration by a Proclamation † issued at Edinburgh, on the 12th of February, couched in loftier language than was about to be hazarded in England:—"We, by our sovereign authority, prerogative royal, and absolute power, do hereby give and grant our royal toleration. We allow and tolerate the moderate Presbyterians to meet in their private houses, and to hear such ministers as have been or are willing to accept of our indulgence; but they are not to build meeting-houses, but to exercise in houses. We tolerate Quakers to meet in their form in any place or places appointed for their worship. We, by our sovereign authority, &c., suspend, stop, and disable, all laws or Acts of Parliament made or executed against any of our Roman Catholic subjects, so that they shall be free to exercise their religion and to enjoy all; but they are to exercise in houses or chapels. And we cass, annul, and discharge all oaths by which our subjects are disabled from holding offices." He concludes by confirming the proprietors of Church lands in their possession, which seemed to be wholly unnecessary while the Protestant establishment endured; and adds an assurance more likely to disquiet than to satisfy, "that he will not use force against any man for the Protestant religion." In a short time afterwards he had extended this indulgence to those Presbyterians who scrupled to take the Test or any other oath; and in a few months more, on the 5th of July, all restrictions on toleration had been removed, by the permission granted to all to serve God in their own manner, whether in private houses or chapels, or houses built

* Life of James II., vol. ii. p. 81. "He," says the biographer, "had no other oracle to apply to for exposition of difficult and intricate points."

† Wodrow, vol. ii. app.

or hired for the purpose *; or, in other words, he had established, by his own sole authority, the most unbounded liberty of worship and religious instruction in a country where the laws treated every act of dissent as one of the most heinous crimes. There is no other example, perhaps, of so excellent an object being pursued by means so culpable, or for purposes in which evil was so much blended with good.

James was equally astonished and incensed at the resistance of the Church of England. Their warm professions of loyalty, their acquiescence in measures directed only against civil liberty, their solemn condemnation of forcible resistance to oppression (the lawfulness of which constitutes the main strength of every opposition to misgovernment), had persuaded him, that they would look patiently on the demolition of all the bulwarks of their own wealth, and greatness, and power, and submit in silence to measures which, after stripping the Protestant religion of all its temporal aid, might at length leave it exposed to persecution. He did not distinguish between legal opposition and violent resistance. He believed in the adherence of multitudes to professions poured forth in a moment of enthusiasm; and he was so ignorant of human nature as to imagine, that speculative opinions of a very extravagant sort, even if they could be stable, were sufficient to supersede interest and habits, to bend the pride of high establishments, and to stem the passions of a nation in a state of intense excitement. Yet James had been admonished by the highest authority to beware of this delusion. Morley, Bishop of Winchester, a veteran royalist and Episcopalian, whose fidelity had been tried, but whose judgment had been informed in the Civil War, almost with his dying breath desired Lord Dartmouth to warn the King, that if ever he depended on the doctrine of Nonresistance he would find himself deceived;

* Ibid. Fountainhall, vol. i. p. 463.

for that most of the Church would contradict it in their practice, though not in terms. It was to no purpose that Dartmouth frequently reminded James of Morley's last message; for he answered, "that the Bishop was a good man, but grown old and timid." *

It must be owned, on the other hand, that there were not wanting considerations which excuse the expectation and explain the disappointment of James. Wiser men than he have been the dupes of that natural prejudice, which leads us to look for the same consistency between the different parts of conduct which is in some degree found to prevail among the different reasonings and opinions of every man of sound mind. It cannot be denied that the Church had done much to delude him. For they did not content themselves with never controverting, nor even confine themselves to calmly preaching the doctrine of Nonresistance (which might be justified and perhaps commended); but it was constantly and vehemently inculcated. The more furious preachers treated all who doubted it with the fiercest scurrility †, and the most pure and gentle were ready to introduce it harshly and unreasonably ‡; and they all boasted of it, perhaps with

* Burnet (Oxford, 1823), vol. ii. p. 428. Lord Dartmouth's note.

† South, *passim*.

‡ Tillotson, On the death of Lord Russell. About a year before the time to which the text alludes, in a visitation sermon preached before Sancroft by Kettlewell, an excellent man, in whom nothing was stern but this doctrine, it is inculcated to such an extent as, according to the usual interpretation of the passage in Paul's Epistle to the Romans (xiii. 2.), to prohibit resistance to Nero; "who," says nevertheless the preacher, "invaded honest men's estates to supply his own profusion, and imbrued his hands in the blood of any he had a pique against, without any regard to law or justice." The Homily, or exhortation to obedience, composed under Edward VI., in 1547, by Cranmer, and sanctioned by authority of the Church, asserts it to be "the calling of God's people to render obedience to governors, although they be wicked or wrong-doers, and *in no case to resist*."

reason, as a peculiar characteristic which distinguished the Church of England from other Christian communities. Nay, if a solemn declaration from an authority second only to the Church, assembled in a national council, could have been a security for their conduct, the judgment of the University of Oxford, in their Convocation in 1683, may seem to warrant the utmost expectations of the King. For among other positions condemned by that learned body, one was, "that if lawful governors become tyrants, or govern otherwise than by the laws of God or man they ought to do, they forfeit the right they had unto their government."* Now, it is manifest, that, according to this determination, if the King had abolished Parliaments, shut the courts of justice, and changed the laws according to his pleasure, he would nevertheless retain the same rights as before over all his subjects; that any part of them who resisted him would still contract the full guilt of rebellion; and that the co-operation of the sounder portion to repress the revolt would be a moral duty and a lawful service. How, then, could it be reasonable to withstand him in far less important assaults on his subjects, and to turn against him laws which owed their continuance solely to his good pleasure? Whether this last mode of reasoning be proof against all objections or not, it was at least specious enough to satisfy the King, when it agreed with his passions and supposed interest. Under the influence of these natural delusions, we find him filled with astonishment at the prevalence of the ordinary motives of human conduct over an extravagant dogma, and beyond measure amazed that the Church should oppose the Crown after the King had become the enemy of the Church. "Is this your Church of England loyalty?" he cried to the fellows of Magdalen College; while in his confidential conversations he now spoke with the utmost indignation of this incon-

* Collier, Ecclesiastical History, vol. ii. p. 902.

sistent and mutinous Church. Against it, he told the Nuncio, that he had by his Declaration struck a blow which would resound through the country;—ascribing their unexpected resistance to a consciousness that, in a general liberty of conscience, "the Anglican religion would be the first to decline."* Sunderland, in speaking of the Church to the same minister, exclaimed, "Where is now their boasted fidelity? The Declaration has mortified those who have resisted the King's pious and benevolent designs. The Anglicans are a ridiculous sect, who affect a sort of moderation in heresy, by a compound and jumble of all other persuasions; and who, notwithstanding the attachment which they boast of having maintained to the monarchy and the royal family, have proved on this occasion the most insolent and contumacious of men."† After the refusal to comply with his designs, on the ground of conscience, by Admiral Herbert, a man of loose life, loaded with the favours of the Crown, and supposed to be as sensible of the obligations of honour as he was negligent of those of religion and morality, James declared to Barillon, that he never could put confidence in any man, however attached to him, who affected the character of a zealous Protestant.‡

The Declaration of Indulgence, however, had one important purpose beyond the assertion of prerogative, the advancement of the Catholic religion, or the gratification of anger against the unexpected resistance of the Church: it was intended to divide Protestants, and to obtain the support of the Nonconformists. The same policy had, indeed, failed in the preceding reign; but it was not unreasonably hoped by the Court, that the sufferings of twenty years had irreconcilably inflamed the dissenting

* D'Adda, 21st March, 1687; "un colpo strepitoso." "Perche la religióne Anglicana sarebbe stata la prima a declinare in questa mutazióne."

† D'Adda, 4th—18th April.

‡ Barillon, 24th March. Fox MSS.

sects against the Establishment, and had at length taught them to prefer their own personal and religious liberty to vague and speculative opposition to the Papacy, — the only bond of union between the discordant communities who were called Protestants. It was natural enough to suppose, that they would show no warm interest in universities from which they were excluded, or for prelates who had excited persecution against them; and that they would thankfully accept the blessings of safety and repose, without anxiously examining whether the grant of these advantages was consistent with the principles of a constitution which treated them as unworthy of all trust or employment. Certainly the penal law from which the Declaration tendered relief, was not such as to dispose them to be very jealous of the mode of its removal.

An Act in the latter years of Elizabeth * had made refusal to attend the established worship, or presence at that of Dissenters, punishable by imprisonment, and, unless atoned for by conformity within three months, by perpetual banishment †, enforced by death if the offender should return. Within three years after the solemn promise of liberty of conscience from Breda, this barbarous law, which had been supposed to be dormant, was declared to be in force, by an Act ‡ which subjected every one attending any but the established worship, where more than five were present, on the third offence, to transportation for seven years to any of the colonies (except New England and Virginia, — the only ones where they might have been consoled by their fellow-religionists, and where labour in the fields was not fatal to an European); and which doomed them in

* 35 Eliz. c. 1. (1593).

† A sort of exile, called, in our old law, "abjuring the realm," in which the offender was to banish himself.

‡ 16 Car. II. c. 4.

case of their return,—an event not very probable, after having laboured for seven years as the slaves of their enemies under the sun of Barbadoes,—to death. Almost every officer, civil or military, was empowered and encouraged to disperse their congregations as unlawful assemblies, and to arrest their ringleaders. A conviction before two magistrates, and in some cases before one, without any right of appeal or publicity of proceeding, was sufficient to expose a helpless or obnoxious Nonconformist to these tremendous consequences. By a refinement in persecution, the gaoler was instigated to disturb the devotions of his prisoners; being subject to a fine if he allowed any one who was at large to join them in their religious worship. The pretext for this statute, which was however only temporary, consisted in some riots and tumults in Ireland and in Yorkshire, evidently viewed by the ministers themselves with more scorn than fear.* A permanent law, equally tyrannical, was passed in the next session.† By it every dissenting clergyman was forbidden from coming within five miles of his former congregation, or of any corporate town or parliamentary borough, under a penalty of forty pounds, unless he should take the following oath:—"I swear that it is not lawful, upon any pretence whatsoever, to take up arms against the King, or those commissioned by him, and that I will not at any time endeavour any alteration of government in Church or State." In vain did Lord Southampton raise his dying voice against this tyrannical act, though it was almost the last exercise of the ministerial power of his friend and colleague Clarendon; — vehemently condemning the oath, which, royalist as he was, he declared that neither he nor

* Ralph, History of England, vol. ii. p. 97. "As these plots," says that writer, "were contemptible or formidable, we must acquit or condemn this reign."

† 17 Car. II. c. 2.

any honest man could take.* A faint and transient gleam of indulgence followed the downfal of Clarendon. But, in the year 1670, another Act was passed, reviving that of 1664, with some mitigations of punishment, and with amendments in the form of proceeding †; but with several provisions of a most unusual nature, which, by their manifest tendency to stimulate the bigotry of magistrates, rendered it a sharper instrument of persecution. Of this nature was the declaration, that the statute was to be construed most favourably for the suppression of conventicles, and for the encouragement of those engaged in carrying it into effect; the malignity of which must be measured by its effect in exciting all public officers, especially the lowest, to constant vexation and frequent cruelty towards the poorer Nonconformists, marked by such language as the objects of the fear and hatred of the legislature.

After the defeat of Charles's attempt to relieve all Dissenters by his usurped prerogative, the alarms of the House of Commons had begun to be confined to the Catholics; and they had conceived designs of union with the more moderate of their Protestant brethren, as well as of indulgence towards those whose dissent was irreconcileable. But these designs proved abortive: the Court resumed its animosity against the Dissenters, when it became no longer possible to employ them as a shelter for the Catholics. The laws were already sufficient for all practical purposes of intolerance, and their execution was in the hands of bitter enemies, from the Lord Chief Justice to the pettiest constable. The temper of the Established clergy was such, that even the more liberal of them gravely reproved the victims of such laws for complaining of persecution.‡ The inferior gentry, who

* Locke, Letter from a Person of Quality.
† 22 Car. II. c. 1.
‡ Stillingfleet, Sermon on the Mischief of Separation.

constituted the magistracy,—ignorant, intemperate, and tyrannical,—treated dissent as rebellion, and in their conduct to Puritans were actuated by no principles but a furious hatred of those whom they thought the enemies of the monarchy. The whole jurisdiction, in cases of Nonconformity, was so vested in that body, as to release them in its exercise from the greater part of the restraints of fear and shame. With the sanction of the legislature, and the countenance of the Government, what indeed could they fear from a proscribed party, consisting chiefly of the humblest and poorest men? From shame they were effectually secured, since that which is not public cannot be made shameful. The particulars of the conviction of a Dissenter might be unknown beyond his village; the evidence against him, if any, might be confined to the room where he was convicted; and in that age of slow communication, few men would incur the trouble or obloquy of conveying to their correspondents the hardships inflicted, with the apparent sanction of law, in remote and ignorant districts, on men at once obscure and odious, and often provoked by their sufferings into intemperance and extravagance.

Imprisonment is, of all punishments, the most quiet and convenient mode of persecution. The prisoner is silently hid from the public eye; his sufferings, being unseen, speedily cease to excite pity or indignation: he is soon doomed to oblivion. As it is always the safest punishment for an oppressor to inflict, so it was in that age, in England, perhaps the most cruel. Some estimate of the suffering from cold, hunger, and nakedness, in the dark and noisome dungeons, then called prisons, may be formed from the remains of such buildings, which industrious benevolence has not yet every where demolished. Being subject to no regulation, and without means for the regular sustenance of the prisoners, they were at once the scene of debauchery and fa-

mine. The Puritans, the most severely moral men of any age, were crowded in cells with the profligate and ferocious criminals with whom the kingdom then abounded. We learn from the testimony of the legislature itself, that "needy persons committed to gaol many times perished before their trial."* We are told by Thomas Ellwood, the Quaker, a friend of Milton, that when a prisoner in Newgate for his religion, he saw the heads and quarters of men who had been executed for treason kept for some time close to the cells, and the heads tossed about in sport by the hangman and the more hardened malefactors†; and the description given by George Fox, the founder of the Quakers, of his own treatment when a prisoner at Launceston, too clearly exhibits the unbounded power of his gaolers, and its most cruel exercise.‡ It was no wonder that, when prisoners were brought to trial at the assizes, the contagion of gaol fever should often rush forth with them from these abodes of all that was loathsome and hideous, and sweep away judges, and jurors, and advocates, with its pestilential blast. The mortality of such prisons must have surpassed the imaginations of more civilised times; and death, if it could be separated from the long sufferings which led to it, might perhaps be considered as the most merciful part of the prison discipline of that age. It would be exceedingly hard to estimate the amount of this mortality, even if the difficulty were

* 18 & 19 Car. II. c. 9. Evidence more conclusive, from its being undesignedly dropped, of the frequency of such horrible occurrences in the gaol of Newgate, transpires in a controversy between a Catholic and Protestant clergyman, about the religious sentiments of a dying criminal, and is preserved in a curious pamphlet, called "The Pharisee Unmasked," published in 1687.

† "This prison, where are so many, suffocateth the spirits of aged ministers." Life of Baxter (Calamy's Abridgment), part iii. p. 200.

‡ Journal, p. 186., where the description of the dungeon called "*Doomsdale*," surpasses all imagination.

not enhanced by the prejudices which led either to its extenuation or aggravation. Prisoners were then so forgotten, that a record of it was not to be expected; and the very nature of the atrocious wickedness which employs imprisonment as the instrument of murder, would, in many cases, render it impossible distinctly and palpably to show the process by which cold and hunger beget mortal disease. But computations have been attempted, and, as was natural, chiefly by the sufferers. William Penn, a man of such virtue as to make his testimony weighty, even when borne to the sufferings of his own party, publicly affirmed at the time, that since the Restoration "more than five thousand persons had died in bonds for matters of mere conscience to God."* Twelve hundred Quakers were enlarged by James.† The calculations of Neale, the historian of the Nonconformists, would carry the numbers still farther; and he does not appear, on this point, to be contradicted by his zealous and unwearied antagonist.‡ But if we reduce the number of deaths to one half of Penn's estimate, and suppose that number to be the tenth of the prisoners, it will afford a dreadful measure of the sufferings of twenty-five thousand prisoners; and the misery within the gaols will too plainly indicate the beggary §, banishment, disquiet, vexation, fear, and horror, which were spread among the whole body of Dissenters.

The sufferings of two memorable men among them, differing from each other still more widely in opinions and disposition than in station and acquirement, may

* Good Advice to the Church of England.

† Address of the Quakers to James II. Clarkson, Life of William Penn, vol. i. p. 492. London Gazette, 23d and 26th May, 1687.

‡ Grey, Examination of Neale.

§ "Fifteen thousand families ruined." Good Advice, &c. In this tract, very little is said of the dispensing power; the far greater part consisting of a noble defence of religious liberty, applicable to all ages and communions.

be selected as proofs that no character was too high to be beyond the reach of this persecution, and no condition too humble to be beneath its notice. Richard Baxter, one of the most acute and learned, as well as pious and exemplary men of his age, was the most celebrated divine of the Presbyterian persuasion. He had been so well known for his moderation as well as his general merit, that at the Restoration he had been made chaplain to the King, and a bishopric had been offered to him, which he declined, not because he deemed it unlawful, but because it might engage him in severities against the conscientious, and because he was unwilling to give scandal to his brethren by accepting preferment in the hour of their affliction.* He joined in the public worship of the Church of England, but himself preached to a small congregation at Acton, where he soon became the friend of his neighbour, Sir Matthew Hale, who, though then a magistrate of great dignity, avoided the society of those who might be supposed to influence him, and from his jealous regard to independence, chose a privacy as simple and frugal as that of the pastor of a persecuted flock. Their retired leisure was often employed in high reasoning on those sublime subjects of metaphysical philosophy to which both had been conducted by their theological studies, and which, indeed, few contemplative men of elevated thought have been deterred by the fate of their forerunners from aspiring to comprehend. Honoured as he was by such a friendship, esteemed by the most distinguished persons of all persuasions, and consulted by the civil and ecclesiastical authorities in every project of reconciliation and harmony, Baxter was five times in fifteen years dragged from his retirement, and thrown into prison as a malefactor. In 1669 two subservient magistrates, one of whom was the steward of the Arch-

* Life of Baxter, part iii. p. 281.

bishop of Canterbury, summoned him before them for preaching at a conventicle; at hearing of which, Hale, too surely foreknowing the event, could scarcely refrain from tears. He was committed to prison for six months, but, after the unavailing intercession of his friends with the King, was at length enlarged in consequence of informalities in the commitment.* Twice afterwards he escaped by irregularities into which the precipitate zeal of ignorant persecutors had betrayed them; and once, when his physician made oath that imprisonment would be dangerous to his life, he owed his enlargement to the pity or prudence of Charles II. At last, in the year 1685, he was brought to trial for some supposed libels, before Jeffreys, in the Court of King's Bench, in which his venerable friend had once presided, — where two Chief Justices, within ten years, had exemplified the extremities of human excellence and depravity, and where he whose misfortunes had almost drawn tears down the aged cheeks of Hale was doomed to undergo the most brutal indignities from Jeffreys.

The history and genius of Bunyan were as much more extraordinary than those of Baxter as his station and attainments were inferior. He is probably at the head of unlettered men of genius; and perhaps there is no other instance of any man reaching fame from so abject an origin. For other extraordinary men who have become famous without education, though they were without what is called "learning," have had much reading and knowledge; and though they were repressed by poverty, were not, like him, sullied by a vagrant and disreputable occupation. By his trade of a travelling tinker, he had been from his earliest years placed in the midst of profligacy, and on the verge of dishonesty. He was for a time a private in the parliamentary army, — the only military service which was likely to elevate his sen-

* Ibid. pp. 47—51.

timents and amend his life. Having embraced the opinions of the Baptists, he was soon admitted to preach in a community which did not recognise the distinction between the clergy and the laity.* Even under the Protectorate he had been harassed by some busy magistrates, who took advantage of a parliamentary ordinance, excluding from toleration those who maintained the unlawfulness of infant baptism.† But this officiousness was checked by the spirit of the government; and it was not till the return of intolerance with Charles II. that the sufferings of Bunyan began. Within five months after the Restoration, he was apprehended under the statute 35th of Elizabeth, and was thrown into a prison, or rather dungeon, at Bedford, where he remained for twelve years. The narratives of his life exhibit remarkable specimens of the acuteness and fortitude with which he withstood the threats and snares of the magistrates, and clergymen, and attorneys, who beset him, — foiling them in every contest of argument, especially in that which relates to the independence of religion on civil authority, which he expounded with clearness and exactness; for it was a subject on which his naturally vigorous mind was better educated by his habitual meditations than it could have been by the most skilful instructor. In the year after his apprehension, he had made some informal applications for release to the judges of assize, in a petition presented by his wife, who was

* See Grace Abounding.

† Scobell's Ordinances, chap. 114. This exception is omitted in a subsequent Ordinance against blasphemous opinions (9th August, 1650), directed chiefly against the Antinomians, who were charged with denying the obligation of morality, — the single case where the danger of nice distinction is the chief objection to the use of punishment against the promulgation of opinions. Religious liberty was afterwards carried much nearer to its just limits by the letter of Cromwell's constitution, and probably to its full extent by its spirit. See Humble Petition and Advice, sect. xi.

treated by one of them, Twisden, with brutal insolence. His colleague, Sir Matthew Hale, listened to her with patience and goodness, and with consolatory compassion pointed out to her the only legal means of obtaining redress. It is a singular gratification thus to find a human character, which, if it be met in the most obscure recess of the history of a bad time, is sure to display some new excellence. The conduct of Hale on this occasion can be ascribed only to strong and pure benevolence; for he was unconscious of Bunyan's genius, he disliked preaching mechanics, and he partook the general prejudice against Anabaptists. In the long years which followed, the time of Bunyan was divided between the manufacture of lace, which he learned in order to support his family, and the composition of those works which have given celebrity to his sufferings. He was at length released, in 1672, by Barlow, Bishop of Lincoln, but not till the timid prelate had received an injunction from the Lord Chancellor * to that effect. He availed himself of the Indulgence of James II. without trusting it, and died unmolested in the last year of that prince's government. His Pilgrim's Progress, an allegorical representation of the Calvinistic theology, at first found readers only among those of that persuasion, but, gradually emerging from this narrow circle, by the natural power of imagination over the uncorrupted feelings of the majority of mankind, has at length rivalled Robinson Crusoe in popularity. The bigots and persecutors have sank into oblivion; the scoffs of wits † and worldlings have been unavailing; while, after the lapse of a century, the object of their cruelty and scorn has touched the poetical sympathy, as well

* Probably Lord Shaftesbury, who received the Great Seal in November, 1672. The exact date of Bunyan's complete liberation is not ascertained; but he was twelve years a prisoner, and had been apprehended in November, 1660. Ivimey (Life of Bunyan, p. 289.) makes his enlargement to be about the close of 1672.

† Hudibras, part i. canto ii. Grey's notes.

as the piety, of Cowper; his genius has subdued the opposite prejudices of Johnson and of Franklin; and his name has been uttered in the same breath with those of Spenser and Dante. It should seem, from this statement, that Lord Castlemaine, himself a zealous Catholic, had some colour for asserting, that the persecution of Protestants by Protestants, after the Restoration, was more violent than that of Protestants by Catholics under Mary; and that the persecution then raging against the Presbyterians in Scotland was not so much more cruel, as it was more bloody, than that which silently consumed the bowels of England.

Since the differences between Churchmen and Dissenters, as such, have given way to other controversies, a recital of them can have no other tendency than that of disposing men to pardon each other's intolerance, and to abhor the fatal error itself, which all communions have practised, and of which some malignant roots still lurk among all. Without it, the policy of the King, in his attempt to form an alliance with the latter, could not be understood. The general body of Nonconformists were divided into four parties, on whom the Court acted through different channels, and who were variously affected by its advances.

The Presbyterians, the more wealthy and educated sect, were the descendants of the ancient Puritans, who had been rather desirous of reforming the Church of England than of separating from it; and though the breach was widened by the Civil War, they might have been reunited at the Restoration by moderate concession in the form of worship, and by limiting the episcopal authority agreeably to the project of the learned Usher, and to the system of superintendency established among the Lutherans. Gradually, indeed, they learned to prefer the perfect equality of the Calvinistic clergy; but they did not profess that exclusive zeal for it which actuated their Scottish brethren, who had received their Reformation from Geneva. Like men of other communions, they had originally deemed

it the duty of the magistrate to establish true religion, and to punish the crime of rejecting it. In Scotland they continued to be sternly intolerant; while in England they reluctantly acquiesced in imperfect toleration. Their object was now what was called a "comprehension," or such an enlargement of the terms of communion as might enable them to unite with the Church;—a measure which would have broken the strength of the Dissenters, as a body, to the eminent hazard of civil liberty. From them the King had the least hopes. They were undoubtedly much more hostile to the Establishment after twenty-five years' persecution, but they were still connected with the tolerant clergy; and as they continued to aim at something besides mere toleration, they considered the royal Declaration, even if honestly meant, as only a temporary advantage.

The Independents, or Congregationalists, were so called from their adoption of the opinion, that every congregation or assembly for worship was a church perfectly independent of all others, choosing and changing their own ministers, maintaining with others a fraternal intercourse, but acknowledging no authority in all the other churches of Christendom to interfere with its internal concerns. Their churches were merely voluntary associations, in which the office of teacher might be conferred and withdrawn by the suffrages of the members. These members were equal, and the government was perfectly democratical; if the term "government" may be applied to assemblies which endured only as long as the members agreed in judgment, and which, leaving all coercive power to the civil magistrate, exercised no authority but that of admonition, censure, and exclusion. They disclaimed the qualification of "national" as repugnant to the nature of "a church."* The religion of the In-

* "There is no true visible Church of Christ but a particular ordinary congregation only. Every ordinary assembly of the

dependents, therefore, could not, without destroying its nature, be established by law. They never could aspire to more than religious liberty; and they accordingly have the honour of having been the first, and long the only, Christian community who collectively adopted that sacred principle.* It is true, that in the beginning they adopted the pernicious and inconsistent doctrine of limited toleration, excluding Catholics, as idolaters, and in New England (where the great majority were of their persuasion), punishing, even capitally, Dissenters from what they accounted as fundamental opinions.† But, as intolerance could promote no interest of theirs, real or imaginary, their true principles finally worked out the stain of these dishonourable exceptions. The government of Cromwell, more influenced by them than by any other persuasion, made as near approaches to general toleration as public prejudice would endure; and Sir Henry Vane, an Independent, was probably the first who laid down, with perfect precision, the inviolable rights of conscience, and the exemption of religion from all civil authority. Actuated by these principles, and preferring the freedom of their worship even to political liberty, it is not wonderful that many of this persuasion gratefully accepted the deliverance from persecution which was proffered by the King.

faithful hath power to elect and ordain, deprive and depose, their ministers. The pastor must have others joined with him by the congregation, to exercise ecclesiastical jurisdiction; neither ought he and they to perform any material act without the free consent of the congregation." Christian Offer of a Conference tendered to Archbishops, Bishops, &c. (London, 1606).

* An Humble Supplication for Toleration and Liberty to James I. (London, 1609):—a tract which affords a conspicuous specimen of the ability and learning of the ancient Independents, often described as unlettered fanatics.

† The Way of the Churches in New England, by Mr. J. Cotton (London, 1645); and the Way of Congregational Churches, by Mr. J. Cotton (London, 1648);—in answer to Principal Baillie.

Similar causes produced the like dispositions among the Baptists,—a simple and pious body of men, generally unlettered, obnoxious to all other sects for their rejection of infant baptism, as neither enjoined by the New Testament nor consonant to reason, and in some degree, also, from being called by the same name with the fierce fanatics who had convulsed Lower Germany in the first age of the Reformation. Under Edward VI. and Elizabeth many had suffered death for their religion. At the Restoration they had been distinguished from other Nonconformists by a brand in the provision of a statute *, which excluded every clergyman who had opposed infant baptism from re-establishment in his benefice; and they had during Charles's reign suffered more than any other persuasion. Publicly professing the principles of religious liberty †, and, like the Independents, espousing the cause of republicanism, they appear to have adopted also the congregational system of ecclesiastical polity. More incapable of union with the Established Church, and having less reason to hope for toleration from its adherents than the Independents themselves,—many, perhaps at first most of them, eagerly embraced the Indulgence. Thus, the sects who maintained the purest principles of religious liberty, and had supported the most popular systems of government, were the most disposed to favour a measure which would have finally buried toleration under the ruins of political freedom.

But of all sects, those who needed the royal Indulgence most, and who could accept it most consistently with their religious principles, were the Quakers. Seeking perfection, by renouncing pleasures, of which the social nature promotes kindness, and by converting self-denial, a means of moral discipline, into one of the ends of life,—it was their more peculiar and honourable error, that by a literal interpretation of that

* 12 Car. II. c. 17.

† Crosby, History of English Baptists, &c., vol. ii. pp. 100—144.

affectionate and ardent language in which the Christian religion inculcates the pursuit of peace and the practice of beneficence, they struggled to extend the sphere of these most admirable of virtues beyond the boundaries of nature. They adopted a peculiarity of language, and an uniformity of dress, indicative of humility and equality, of brotherly love — the sole bond of their pacific union, and of the serious minds of men who lived only for the performance of duty, — taking no part in strife, renouncing even defensive arms, and utterly condemning the punishment of death.

George Fox had, during the Civil War, founded this extraordinary community. At a time when personal revelation was generally believed, it was a pardonable self-delusion that he should imagine himself to be commissioned by the Deity to preach a system which could only be objected to as too pure to be practised by man.* This belief, and an ardent temperament, led him and some of his followers into unseasonable attempts to convert their neighbours, and into unseemly intrusions into places of worship for that purpose, which excited general hostility against them, and exposed them to frequent and severe punishments. One or two of them, in the general fermentation of men's minds at that time, had uttered what all other sects considered as blasphemous opinions; and these peaceable men became the objects of general abhorrence. Their rejection of most religious rites, their refusal to sanction testimony by a judicial oath, or to defend their country in the utmost danger, gave plausible pretexts for representing them as alike enemies to religion and the commonwealth; and the fantastic peculiarities of their language and dress

* Journal of the Life of George Fox, by himself: — one of the most extraordinary and instructive narratives in the world, which no reader of competent judgment can peruse without revering the virtue of the writer, pardoning his self-delusion, and ceasing to smile at his peculiarities.

seemed to be the badge of a sullen and morose secession from human society. Proscribed as they were by law and prejudice, the Quakers gladly received the boon held out by the King. They indeed were the only consistent professors of passive obedience: as they resisted no wrong, and never sought to disarm hostility otherwise than by benevolence, they naturally yielded with unresisting submission to the injustice of tyrants. Another circumstance also contributed, still more perhaps than these general causes, to throw them into the arms of James. Although their sect, like most other sects, had sprung from among the humbler classes of society,—who, from their numbers and simplicity, are alone susceptible of those sudden and simultaneous emotions which change opinions and institutions,—they had early been joined by a few persons of superior rank and education, who, in a period of mutation in government and religion, had long contemplated their benevolent visions with indulgent complacency, and had at length persuaded themselves that this pure system of peace and charity might be realised, if not among all, at least among a few of the wisest and best of men. Such a hope would gradually teach the latter to tolerate, and in time to adopt, the peculiarities of their simpler brethren, and to give the most rational interpretation to the language and pretensions of their founders;—consulting reason in their doctrines, and indulging enthusiasm only in their hopes and affections.* Of the first who thus systematised, and perhaps insensibly softened, their creed, was Barclay, whose apology for the Quakers—a masterpiece of ingenious reasoning, and a model of argumentative composition—extorted praise from Bayle, one of the most acute and least fanatical of men.†

But the most distinguished of their converts was

* Mr. Swinton, a Scotch judge during the Protectorate, was one of the earliest of these converts.

† Nouvelles de la République des Lettres, Avril, 1684.

William Penn, whose father, Admiral Sir William Penn, had been a personal friend of the King, and one of his instructors in naval affairs. This admirable person had employed his great abilities in support of civil as well as religious liberty, and had both acted and suffered for them under Charles II. Even if he had not founded the commonwealth of Pennsylvania as an everlasting memorial of his love of freedom, his actions and writings in England would have been enough to absolve him from the charge of intending to betray the rights of his countrymen. But though, as the friend of Algernon Sidney, he had never ceased to intercede, through his friends at Court, for the persecuted*, still an absence of two years in America, and the consequent distraction of his mind, had probably loosened his connection with English politicians, and rendered him less acquainted with the principles of the government. On the accession of James he was received by that prince with favour; and hopes of indulgence to his suffering brethren were early held out to him. He was soon admitted to terms of apparent intimacy, and was believed to possess such influence that two hundred suppliants were often seen at his gates, imploring his intercession with the King. That it really was great, appears from his obtaining a promise of pardon for his friend Mr. Locke, which that illustrious man declined, because he thought that the acceptance of it would have been a confession of criminality.† Penn appears in 1679, through his influence with James when in Scotland, to have obtained the release of all the Quakers who were imprisoned there‡; and he subsequently obtained the

* Clarkson, Life of William Penn, vol. i. p. 248.

† Clarkson, vol. i. pp. 433. 438. Mr. Clarkson is among the few writers from whom I should venture to adopt a fact for which the original authority is not mentioned. By his own extraordinary services to mankind, he has deserved to be the biographer of William Penn.

‡ Address of Scotch Quakers, 1687.

release of many hundred English ones*, as well as procured letters to be addressed by Lord Sunderland to the various lord lieutenants in England in favour of his persuasion†, several months before the Declaration of Indulgence. It was no wonder that he should have been gained over by this power of doing good. The very occupations in which he was engaged brought daily before his mind the general evils of intolerance, and the sufferings of his own unfortunate brethren. Though well stored with useful and ornamental knowledge, he was unpractised in the wiles of courts; and his education had not trained him to dread the violation of principle so much as to pity the infliction of suffering. It cannot be doubted that he believed the King's object to be universal liberty in religion, and nothing further; and as his own sincere piety taught him to consider religious liberty as unspeakably the highest of human privileges, he was too just not to be desirous of bestowing on all other men that which he most earnestly sought for himself. One who refused to employ force in the most just defence, must have felt a singular abhorrence of its exertion to prevent good men from following the dictates of their conscience. Such seem to have been the motives which induced this excellent man to lend himself to the measures of the King. Compassion, friendship, liberality, and toleration led him to support a system the success of which would have undone his country; and he afforded a remarkable proof that, in the complicated combinations of political morality, a virtue misplaced may produce as much immediate mischief as a vice. The Dutch minister represents "the arch-quaker" as travelling over the kingdom to gain proselytes to the dispensing power*; while Duncombe, a banker in London, and (it must in justice, though in

* George Fox, Journal, p. 550.
† State Paper Office, November and December, 1686.
‡ Van Citters to the States General, 14th Oct. 1687.

sorrow, be added) Penn, are stated to have been the two Protestant counsellors of Lord Sunderland.* Henceforward, it became necessary for the friends of liberty to deal with him as with an enemy,—to be resisted when his associates possessed, and watched after they had lost, power.

Among the Presbyterians, the King's chief agent was Alsop, a preacher at Westminster, who was grateful to him for having spared the life of a son convicted of treason. Baxter, their venerable patriarch, and Howe, one of their most eminent divines, refused any active concurrence in the King's projects. But Lobb, one of the most able of the Independent divines, warmly supported the measures of James: he was favourably received at Court, and is said to have been an adviser as well as an advocate of the King.† An elaborate defence of the dispensing power, by Philip Nye, a still more eminent teacher of the same persuasion, who had been disabled from accepting office at the Restoration, written on occasion of Charles's Declaration of Indulgence in 1672, was now republished by his son, with a dedication to James.‡ Kiffin, the pastor of the chief congregation of the Baptists, and at the same time an opulent merchant in London, who, with his pastoral office, had held civil and mili-

* Johnstone, 25th Nov. 1687. MS. Johnstone's connections afforded him considerable means of information. Mrs. Dawson, an attendant of the Queen, was an intimate friend of his sister, Mrs. Baillie of Jerviswood; another of his sisters was the wife of General Drummond, who was deeply engaged in the persecution of the Scotch Presbyterians, and the Earl of Melfort's son had married his niece. His letters were to or for Burnet, his cousin, and intended to be read by the Prince of Orange, to both of whom he had the strongest inducements to give accurate information. He had frequent and confidential intercourse with Halifax, Tillotson, and Stillingfleet.

† Wilson, History and Antiquities of Dissenting Churches, &c. (London, 1808), vol. iii. p. 436.

‡ Wilson, vol. iii. p. 71. The Lawfulness of the Oath of Supremacy asserted, &c. by Philip Nye. (London, 1687.)

tary stations under the Parliament, withstood the prevalent disposition of his communion towards compliance. The few fragments of his life that have reached us illustrate the character of the calamitous times in which he lived. Soon after the Restoration, he had obtained a pardon for twelve persons of his persuasion, who were condemned to death at the same assize at Aylesbury, under the atrocious statute of the 35th of Elizabeth, for refusing either to abjure the realm or to conform to the Church of England.* Attempts were made to ensnare him into treason by anonymous letters, inviting him to take a share in plots which had no existence; and he was harassed by false accusations, some of which made him personally known to Charles II. and also to Clarendon. The King applied to him personally for the loan of forty thousand pounds: this he declined, offering the gift of ten thousand, and on its being accepted, congratulated himself on having saved thirty thousand pounds. Two of his grandsons, although he had offered 3000*l.* for their preservation, suffered death for being engaged in Monmouth's revolt; and Jeffreys, on the trial of one of them, had declared, that had their grandfather been also at the bar, he would have equally deserved death. James, at one of their interviews, persuaded him, partly through his fear of incurring a ruinous fine in case of refusal, in spite of his pleading his inability through age (he was then 70 years old, and could not speak of his grandsons without tears) to accept the office of an alderman under the protection of the dispensing and suspending power.

Every means were employed to excite the Nonconformists to thank the King for his Indulgence. He himself assured D'Adda that it would be of the utmost service to trade and population, by recalling the numerous emigrants "who had been driven from

* Orme, Life of Kiffin, p. 120. Crosby, vol. ii. p. 181. &c.

their country by the persecution of the Anglicans*;" and his common conversation now turned on the cruelty of the Church of England towards the Dissenters, which he declared that he would have closed sooner, had he not been restrained by those who promised favour to his own religion, if they were still suffered to vex the latter.† This last declaration was contradicted by the parties whom he named; and their denial might be credited with less reserve, had not one of the principal leaders of the Episcopal party in Scotland owned that his friends would have been contented if they could have been assured of retaining the power to persecute Presbyterians.‡ The King even ordered an inquiry to be instituted into the suits against Dissenters in ecclesiastical courts, and the compositions which they paid, in order to make a scandalous disclosure of the extortion and venality practised under cover of the penal laws §,—assuring (as did also Lord Sunderland) the Nuncio, that the Established clergy traded in such compositions.‖ The most just principles of unbounded freedom in religion were now the received creed at St. James's. Even Sir Roger L'Estrange endeavoured to save his consistency by declaring, that though he had for twenty years resisted religious liberty as a right of the people, he acquiesced in it as a boon from the King.

On the other hand, exertions were made to warn the Dissenters of the snare which was laid for them; while the Church began to make tardy efforts to conciliate them, especially the Presbyterians. The King

* D'Adda, 11th April, 1687. MS.

† Burnet (Oxford, 1823), vol. iii. p. 175.

‡ "If it had not been for the fears of encouraging by such a liberty the fanatics, then almost entirely ruined, few would have refused to comply with all your Majesty's demands." Balcarras, Account of the Affairs of Scotland, p. 8.

§ Burnet, suprà.

‖ D'Adda, 18th April. MS. — Ministri Anglicani che facevano mercanzia sopra le leggi fatti contro le Nonconformisti.

was agitated by this canvass, and frequently trusted the Nuncio * with his alternate hopes and fears about it. Burnet, then at the Hague, published a letter of warning, in which he owns and deplores "the persecution," acknowledging "the temptation under which the Nonconformists are to receive every thing which gives them present ease with a little too much kindness," blaming more severely the members of the Church who applauded the Declaration, but entreating the former not to promote the designs of the common enemy.† The residence and connections of the writer bestowed on this publication the important character of an admonition from the Prince of Orange. He had been employed by some leaders of the Church party to procure the Prince's interference with the Dissenting body ‡; and Dykveldt, the Dutch minister, assured both of his master's resolution to promote union between them, and to maintain the common interest of Protestants. Lord Halifax also published, on the same occasion, a Letter to a Dissenter, — the most perfect model, perhaps, of a political tract, — which, although its whole argument, unbroken by diversion to general topics, is brought exclusively to bear with concentrated force upon the question, the parties, and the moment, cannot be read, after an interval of a century and a half, without admiration at its acuteness, address, terseness, and poignancy.§

The Nonconformists were thus acted upon by powerful inducements and dissuasives. The preservation of civil liberty, the interest of the Protestant religion, the secure enjoyment of freedom in their own worship, were irresistible reasons against compliance. Gratitude for present relief, remembrance

* D'Adda, 2d May, 4th April. MS.

† State Tracts from Restoration to Revolution (London, 1689), vol. ii. p. 289.

‡ Burnet, Reflections on a Book called "Rights, &c. of a Convocation," p. 16.

§ Halifax Miscellanies, p. 233.

of recent wrongs, and a strong sense of the obligation to prefer the exercise of religion to every other consideration, were very strong temptations to a different conduct. Many of them owed their lives to the King, and the lives of others were still in his hands. The remembrance of Jeffreys's campaign was so fresh as perhaps still rather to produce fear than the indignation and distrust which appear in a more advanced stage of recovery from the wounds inflicted by tyranny. The private relief granted to some of their ministers by the Court on former occasions afforded a facility for exercising adverse influence through these persons, — the more dangerous because it might be partly concealed from themselves under the disguise of gratitude. The result of the action of these conflicting motives seems to have been, that the far greater part of all denominations of Dissenters availed themselves of the Declaration so far as to resume their public worship*; that the most distinguished of their clergy, and the majority of the Presbyterians, resisted the solicitations of the Court to sanction the dispensing power by addresses of thanks for this exertion of it; and that all the Quakers, the greater part of the Baptists, and perhaps also of the Independents, did not scruple to give this perilous token of their misguided gratitude, though many of them confined themselves to thanks for toleration, and solemn assurances that they would not abuse it.

About a hundred and eighty of these addresses were presented within a period of ten months, of which there are only seventy-seven exclusively and avowedly from Nonconformists. If to these be added

* Bates's Life of Philip Henry, in Wordsworth's Ecclesiastical Biography, vol. vi. p. 290. "*They rejoiced with trembling.*" Henry refused to give in a return of the money levied on him in his sufferings, having, as he said, "long since from his heart forgiven all the agents in that matter." "Mr. Bunyan clearly saw though the designs of the Court, though he accepted the Indulgence with a holy fear." Ivimey, Life of Bunyan, p. 297.

a fair proportion of such as were at first secretly and at last openly corporators and grand jurors, and a larger share of those who addressed under very general descriptions, it seems probable that the numbers were almost equally divided between the Dissenting communions and the Established Church.* We have a specimen of these last mentioned by Evelyn, in the address of the Churchmen and Dissenters of Coventry†, and of a small congregation in the Isle of Ely, called the "Family of Love." His complaint‡ that the Declaration had thinned his own parish church of Deptford, and had sent a great concourse of people to the meeting-house, throws light on the extent of the previous persecution, and the joyful eagerness to profit by their deliverance.

The Dissenters were led astray not only by the lights of the Church, but by the pretended guardians of the laws. Five bishops, Crew, of Durham, with his chapter, Cartwright, of Chester, with his chapter, Barlow, of Lincoln, Wood, of Lichfield, and Watson, of St. David's, with the clergy of their dioceses, together with the Dean and Chapter of Ripon, addressed the King, in terms which were indeed limited to his

* The addresses from bishops and their clergy were seven; those from corporations and grand juries, seventy-five; those from inhabitants, &c., fourteen; two from Catholics, and two from the Middle and Inner Temple. If six addresses from Presbyterians and Quakers in Scotland, Ireland, and New England be deducted, as it seems that they ought to be, the proportion of Dissenting addresses was certainly less than one-half. Some of them, we know, were the produce of a sort of personal canvass, when the King made his progress in the autumn of 1687 "to court the compliments of the people;" and one of them, in which Philip Henry joined, "was not to offer lives and fortunes to him, but to thank him for the liberty, and to promise to demean themselves quietly in the use of it." Wordsworth, vol. vi. p. 292. Address of Dissenters of Nantwich, Wem, and Whitchurch. London Gazette, 29th August.

† Evelyn, vol. i. Diary, 16th June.

‡ Ibid. 10th April.

assurance of continued protection to the Church, but at a time which rendered their addresses a sanction of the dispensing power; Croft, of Hereford, though not an addresser, was a zealous partisan of the measures of the Court; while the profligate Parker was unable to prevail on the Chapter or clergy of Oxford to join him, and the accomplished Sprat was still a member of the Ecclesiastical Commission, in which character he held a high command in the adverse ranks: — so that a third of the episcopal order refused to concur in the coalition which the Church was about to form with public liberty. A bold attempt was made to obtain the appearance of a general concurrence of lawyers also in approving the usurpations of the Crown. From two of the four societies, called "Inns of Court," who have the exclusive privilege of admitting advocates to practise at the bar, the Middle and Inner Temple, addresses of approbation were published; though, from recent examination of the records of these bodies, they do not appear to have been ever voted by either. That of the former, eminent above the others for fulsome servility, is traditionally said to have been the clandestine production of three of the benchers, of whom Chauncy, the historian of Hertfordshire, was one. That of the Inner Temple purports to have been the act of certain students and the "comptroller,"—an office of whose existence no traces are discoverable. As Roger North had been Treasurer of the Middle Temple three years before, and as the crown lawyers were members of these societies, it is scarcely possible that the Government should not have been apprised of the imposture which they countenanced by their official publication of these addresses.* The necessity of recurring to such a fraud, and the silence of the other law societies, may be allowed to afford some proof that the independence of the Bar was not yet utterly extinguished.

* London Gazette, June 9th.

The subserviency of the Bench was so abject as to tempt the Government to interfere with private suits, which is one of the last and rarest errors of statesmen under absolute monarchies. An official letter is still extant* from Lord Sunderland, as Secretary of State, to Sir Francis Watkins, a judge of assize, recommending him to show all the favour to Lady Shaftesbury, in the despatch of her suit, to be tried at Salisbury, which the justice of her cause should deserve: — so deeply degraded were the judges in the eyes of the ministers themselves.

CHAPTER VI.

D'ADDA PUBLICLY RECEIVED AS THE NUNCIO.—DISSOLUTION OF PARLIAMENT.—FINAL BREACH.—PREPARATIONS FOR A NEW PARLIAMENT.—NEW CHARTERS.—REMOVAL OF LORD-LIEUTENANTS.—PATRONAGE OF THE CROWN.—MODERATE VIEWS OF SUNDERLAND.—HOUSE OF LORDS.—ROYAL PROGRESS.—PREGNANCY OF THE QUEEN.—LONDON HAS THE APPEARANCE OF A CATHOLIC CITY.

THE war between religious parties had not yet so far subsided as to allow the avowed intercourse of princes of Protestant communions with the see of Rome. In the first violence of hostility, indeed, laws were passed in England forbidding, under pain of death, the indispensable correspondence of Catholics with the head of their Church, and even the bare residence of their priests within the realm.† These laws, never to be palliated except as measures of retaliation in a warfare of extermination, had been often executed without necessity and with slight provocation. It was most desirable to prevent their execution and to procure their repeal. But the object of the King in his

* 24th February. State Paper Office.
† 13 Eliz. c. 2.—35 Eliz. c. 1.

embassy to Rome was to select these odious enactments, as the most specious case, in which he might set an example of the ostentatious contempt with which he was resolved to trample on every law which stood in the way of his designs. A nearer and more signal instance than that embassy was required by his zeal or his political projects. D'Adda was accordingly obliged to undergo a public introduction to the King, at Windsor, as Apostolic Nuncio from the Pope; and his reception, — being an overt act of high treason, — was conducted with more than ordinary state, and announced to the public like that of any other foreign minister.* The Bishops of Durham and Chester were perhaps the most remarkable attendants at the ceremonial. The Duke of Somerset, the second peer of the kingdom, was chosen from the Lords of the Bedchamber as the introducer; and his attendance in that character had been previously notified to the Nuncio by the Earl of Mulgrave, Lord Chamberlain: but, on the morning of the ceremony, the Duke besought his Majesty to excuse him from the performance of an act which might expose him to the most severe animadversion of the law.† The King answered, that he intended to confer an honour upon him, by appointing him to introduce the representative of so venerable a potentate; and that the royal power of dispensation had been solemnly determined to be a sufficient warrant for such acts. The King is said to have angrily asked, "Do you not know that I am above the law?"‡; to which the Duke is represented by the same authorities to have replied, "Your Majesty is so, but I am not;" — an answer which was perfectly correct, if it be understood as above punishment by the law. The Duke of Grafton introduced the Nuncio; and it was

* D'Adda, 11th July. MS. London Gazette, 4th to 7th July.
† Van Citters, 15th July. MS.
‡ Perhaps saying, or meaning to say, "in this respect."

observed, that while the ambassadors of the Emperor, and of the crowns of France and Spain, were presented by earls, persons of superior dignity were appointed to do the same office to the Papal minister; — a singularity rather rendered alarming than acceptable by the example of the Court of France, which was appealed to by the courtiers on this occasion. The same ceremonious introduction to the Queen Dowager immediately followed. The King was very desirous of the like presentation being made to the Princess Anne, to whom it was customary to present foreign ministers; but the Nuncio declined a public audience of an heretical princess*: and though we learn that, a few days after, he was admitted by her to what is called "a public audience †," yet, as it was neither published in the Gazette, nor adverted to in his own letter, it seems probable that she only received him openly as a Roman prelate, who was to be treated with the respect due to his rank, and with whom it was equally politic to avoid the appearance of clandestine intercourse and of formal recognition. The King said to the Duke of Somerset, "As you have not chosen to obey my commands in this case, I shall not trouble you with any other;" and immediately removed him from his place in the Household, from his regiment of dragoons, and the lord-lieutenancy of his county, — continuing for some time to speak with indignation of this act of contumacy, and telling the Nuncio, that the Duke's nearest relations had thrown themselves at his feet, and assured him, that they detested the disobedience of their kinsman.‡ The importance of the transaction consisted in its being a decisive proof of how little estimation were the judicial decisions in favour

* D'Adda, 16th July. MS.
† Van Citters, 22d July. MS
‡ D'Adda, supra.

of the dispensing power in the eyes of the most loyal and opulent of the nobility.*

The most petty incidents in the treatment of the Nuncio were at this time jealously watched by the public. By the influence of the new members placed by James in the corporation, he had been invited to a festival annually given by the city of London, at which the diplomatic body were then, as now, accustomed to be present. Fearful of insult, and jealous of his precedence, he consulted Lord Sunderland, and afterwards the King, on the prudence of accepting the invitation.† The King pressed him to go, also signifying to all the other foreign ministers that their attendance at the festival would be agreeable to him. The Dutch‡ and Swedish ministers were absent. The Nuncio was received unexpectedly well by the populace, and treated with becoming courtesy by the magistrates. But though the King honoured the festival with his presence, he could not prevail even on the aldermen of his own nomination to forbear from the thanksgiving, on the 5th of November, for deliverance from the Gunpowder Plot.§ On the contrary, Sir John Shorter, the Presbyterian mayor, made haste to atone for the invitation of D'Adda, by publicly receiving the communion according to the rites of the Church of England‖; — a strong mark of distrust in the dispensing power, and of the determination of the Presbyterians to adhere to the common cause of Protestants.¶

Another occasion offered itself, then esteemed a

* Barillon, 21st July. Fox MSS.

† D'Adda, 7th—14th Nov. MS.

‡ According to the previous instructions of the States-General, and the practice of their ministers at the congresses of Munster and Nimeguen.

§ Narcissus Luttrell, Nov. 1687. MS.

‖ Van Citters, 24th Nov. MS.

¶ Catherine Shorter, the daughter and heiress of this Presbyterian mayor, became, long after, the wife of Sir Robert Walpole.

solemn one, for the King, in his royal capacity, to declare publicly against the Established Church. The kings of England had, from very ancient times, pretended to a power of curing scrofula by touching those who were afflicted by that malady; and the Church had retained, after the Reformation, a service for the occasion, in which her ministers officiated.* James, naturally enough, employed the mass-book, and the aid of the Roman Catholic clergy, in the exercise of this pretended power of his crown, according to the precedents in the reign of Mary.* As we find no complaint from the Established clergy of the perversion of this miraculous prerogative, we are compelled to suspect that they had no firm faith in the efficacy of a ceremony which they solemnly sanctioned by their prayers.†

On the day before the public reception of the Nuncio, the dissolution of Parliament had announced a final breach between the Crown and the Church. All means had been tried to gain a majority in the House of Commons: persuasion, influence, corruption, were inadequate; the example of dismissal failed to intimidate,—the hope of preferment to allure. Neither the command obtained by the Crown over the corporations, nor the division among Protestants excited by the Toleration, had sufficiently weakened the

* Van Citters, 7th June, 1686. MS.

† It is well known that Dr. Samuel Johnson was, when a child, touched for the scrofula by Queen Anne. The princes of the House of Brunswick relinquished the practice. Carte, the historian, was so blinded by his zeal for the House of Stuart as to assure the public that one Lovel, a native of Bristol, who had gone to Avignon to be touched by the son of James II. in 1716, was really cured by that prince. A small piece of gold was tied round the patient's neck, which explains the number of applications. The gold sometimes amounted to 3000*l.* a year. Louis XIV. touched 1600 patients on Easter Sunday, 1686. See Barrington's Observations on Ancient Statutes, pp. 108, 109. Lovel relapsed after Carte had seen him. General Biographical Dictionary, article "Carte."

opposition to the measures of the Court. It was useless to attempt the execution of projects to subdue the resistance of the Peers by new creations, till the other House was either gained or removed. The unyielding temper manifested by an assembly formerly so submissive, seems, at first sight, unaccountable. It must, however, be borne in mind, that the elections had taken place under the influence of the Church party; that the interest of the Church had defeated the ecclesiastical measures of the King in the two former sessions; and that the immense influence of the clergy over general opinion, now seconded by the zealous exertions of the friends of liberty, was little weakened by the servile ambition of a few of their number, who, being within the reach of preferment, and intensely acted upon by its attraction, too eagerly sought their own advancement to regard the dishonour of deserting their body. England was then fast approaching to that state in which an opinion is so widely spread, and the feelings arising from it are so ardent, that dissent is accounted infamous, and considered by many as unsafe. It is happy when such opinions (however inevitably alloyed by base ingredients, and productive of partial injustice) are not founded in delusion, but on principles, on the whole, beneficial to the community. The mere influence of shame, of fear, of imitation, or of sympathy, is, at such moments, sufficient to give to many men the appearance of an integrity and courage little to be hoped from their ordinary conduct.

The King had, early in the summer, ascertained the impossibility of obtaining the consent of a majority of the House of Commons to a repeal of the Test and penal laws, and appears to have shown a disposition to try a new Parliament.* His more moderate counsellors†, however, headed, as it appears, by the

* Van Citters, 13th June. MS.
† Barillon, 12th June. Fox MSS.

Earl of Sunderland *, did not fail to represent to him the mischiefs and dangers of that irrevocable measure. "It was," they said, "a perilous experiment to dissolve the union of the Crown with the Church, and to convert into enemies an order which had hitherto supported unlimited authority, and inculcated unbounded submission. The submission of the Parliament had no bounds except the rights or interests of the Church. The expense of an increasing army would speedily require parliamentary aid; the possible event of the death of the King of Spain without issue might involve all Europe in war †: for these purposes, and for every other that concerned the honour of the Crown, this loyal Parliament were ready to grant the most liberal supplies. Even in ecclesiastical matters, though they would not at once yield all, they would in time grant much: when the King had quieted the alarm and irritation of the

* D'Adda, 7th—22d August. MS.

† The exact coincidence, in this respect, of Sunderland's public defence, nearly two years afterwards, with the Nuncio's secret despatches of the moment, is worthy of consideration:—

"I hindered the dissolution several weeks, by telling the King that the Parliament would do every thing he could desire but the taking off the tests; that another Parliament would probably not repeal these laws; and, if they did, would do nothing else for the support of government. I said often, if the King of Spain died, his Majesty could not preserve the peace of Europe; that he might be sure of all the help and service he could wish from the present Parliament; but if he dissolved it he must give up all thoughts of foreign affairs, for no other would ever assist him but on such terms as would ruin the monarchy." Lord Sunderland's Letter, licensed 23d March, 1689.

"Dall' altra parte si poteva promettere S. M. del medesimo parlamento ogni assistenza maggiore de denaro, si S. M. fosse obligato di entrare in una guerra straniera, ponderando il caso possibile della morte del Re di Spagna senza successione. Questi e simili vantaggi non doverse attendere d'un nuovo parlamento composto di Nonconformisti, nutrendo, per li principi, sentimenti totalmente contrarii alla monarchia.

"D'Adda."

moment, they would, without difficulty, repeal all the laws commonly called 'penal.' The King's dispensations, sanctioned by the decisions of the highest authority of the law, obviated the evil of the laws of disability; and it would be wiser for the Catholics to leave the rest to time and circumstances, than to provoke severe retaliation by the support of measures which the immense majority of the people dreaded as subversive of their religion and liberty. What hope of ample supply or steady support could the King entertain from a Parliament of Nonconformists, the natural enemies of kingly power? What faith could the Catholics place in these sectaries, the most Protestant of Protestant communions, of whom the larger part looked on relief from persecution, when tendered by Catholic hands, with distrust and fear; and who believed that the friendship of the Church of Rome for them would last no longer than her inability to destroy them?" To this it was answered, "that it was now too late to enquire whether a more wary policy might not have been at first more advisable; that the King could not stand where he was; that he would soon be compelled to assemble a Parliament; and that, if he preserved the present, their first act would be to impeach the judges, who had determined in favour of the dispensing power. To call them together, would be to abandon to their rage all the Catholics who had accepted office on the faith of the royal prerogative. If the Parliament were not to be assembled, they were at least useless; and their known disposition would, as long as they existed, keep up the spirit of audacious disaffection: if they were assembled, they would, even during the King's life, tear away the shield of the dispensing power, which, at all events, never would be stretched out to cover Catholics by the hand of the Protestant successor. All the power gained by the monarchy over corporations having been used in the last election by Protestant Tories, was now acting against the Crown:

by extensive changes in the government of counties and corporations, a more favourable House of Commons, and if an entire abrogation should prove impracticable, a better compromise might be obtained."

Sunderland informed the Nuncio that the King closed these discussions by a declaration that, having ascertained the determination of the present Parliament not to concur in his holy designs, and having weighed all the advantages of preserving it, he considered them as far inferior to his great object, which was the advancement of the Catholic religion. Perhaps, indeed, this determination, thus apparently dictated by religious zeal, was conformable to the maxims of civil prudence, unless the King was prepared to renounce his encroachments, and content himself with that measure of toleration for his religion which the most tolerant states then dealt out to their dissenting subjects.

The next object was so to influence the elections as to obtain a more yielding majority. At an early period Sunderland had represented two hundred members of the late House "as necessarily dependent on the Crown*;"—probably not so much a sanguine hope as a political exaggeration, which, if believed, might realise itself. He was soon either undeceived or contradicted: the King desired all bound to him, either by interest or attachment, to come singly to private audiences in his closet†, that he might ask their support to his measures; and the answers which he received were regarded by bystanders as equivalent to a general refusal.‡ This practice, then called "*closeting*," was, it must be owned, a very unskilful species of canvass, where the dignity of the King left little room for more than a single question and answer, and where other parties were necessarily forewarned of the subject of the

* D'Adda, 10th Oct. 1686.—7th Feb. 1687. MS.
† Id. 24th Jan. MS. ‡ Van Citters, 24th Jan. MS.

interview, which must have soon become so generally known as to expose the more yielding part of them to the admonitions of their more courageous friends. It was easy for an eager monarch, on an occasion which allowed so little explanation, to mistake evasion, delay, and mere courtesy, for an assent to his proposal. But the new influence, and, indeed, power, which had been already gained by the Crown over the elective body, seemed to be so great as to afford the strongest motives for assembling a new Parliament.

In the six years which followed the first judgments of forfeiture, two hundred and forty-two new charters of incorporation had passed the seals to replace those which had been thus judicially annulled or voluntarily resigned.* From this number, however, must be deducted those of the plantations on the continent and islands of America, some new incorporations on grounds of general policy †, and several subordinate corporations in cities and towns,—though these last materially affected parliamentary elections. The House then consisted of five hundred and five members, of whom two hundred and forty-four were returned on rights of election altogether or in part corporate; this required only a hundred and twenty-two new charters. But to many corporations more than one charter had been issued, after the extorted surrenders of others, to rivet them more firmly in their dependency; and if any were spared, it can only have been because they were considered as sufficiently enslaved, and some show of discrimination was considered as politic. In six years, therefore, it is evident, that by a few determinations of servile judges, the Crown had acquired the direct, uncontrolled, and perpetual nomination of nearly one-half

* Lords' Journals, 20th Dec. 1689.

† Of these, those of the College of Physicians and the town of Bombay, are mentioned by Narcissus Luttrell.

of the House of Commons: and when we recollect the independent and ungovernable spirit manifested by that assembly in the last fifteen years of Charles II., we may be disposed to conclude that there is no other instance in history of so great a revolution effected in so short a time by the mere exercise of judicial authority. These charters, originally contrived so as to vest the utmost power in the Crown, might, in any instance where experience showed them to be inadequate, be rendered still more effectual, as a power of substituting others was expressly reserved in each.* In order to facilitate the effective exercise of this power, commissioners were appointed to be "regulators" of corporations, with full authority to remove and appoint freemen and corporate officers at their discretion. The Chancellor, the Lords Powis, Sunderland, Arundel, and Castlemaine, with Sir Nicholas Butler and Father Petre, were regulators of the first class, who superintended the whole operation.† Sir Nicholas Butler, and Duncombe, a banker, "regulated" the corporation of London, from which they removed nineteen hundred freemen; and yet Jeffreys incurred a reprimand, from his impatient master, for want of vigour in changing the corporate bodies, and humbly promised to repair his fault: for "every Englishman who becomes rich," said Barillon, "is more disposed to favour the popular party that the designs of the King."‡ These regulators were sent to every part of the country, and were furnished with letters from the Secretary of State, recommending them to the aid of the lord-lieutenants of counties.§

When the election was supposed to be near, circular letters were sent to the lord-lieutenants, and

* Reign of James II. p. 21. Parliamentum Pacificum (London, 1688), p. 29. The latter pamphlet boasts of these provisions. The Protestant Tories, says the writer, cannot question a power by which many of themselves were brought into the House.

† Lords' Journals, supra. ‡ Barillon, 8th Sept. MS.

§ Dated 21st July. State Paper Office.

other men of influence, including even the Chief Justice of the King's Bench, recommending them to procure the election of persons mentioned therein by name, to the number of more than a hundred. Among them were eighteen members for counties, and many for those towns which, as their rights of election were not corporate, were not yet subjected to the Crown by legal judgments.* In this list we find the unexpected name of John Somers, probably selected from a hope that his zeal for religious liberty might induce him to support a Government which professed so comprehensive a toleration: but it was quickly discovered that he was too wise to be ensnared, and the clerk of the Privy Council was six days after judiciously substituted in his stead. It is due to James and his minister to remark, that these letters are conceived in that official form which appears to indicate established practice: and, indeed, most of these practices were not only avowed, but somewhat ostentatiously displayed as proofs of the King's confidence in the legitimacy and success of his measures. Official letters† had also been sent to the lord-lieutenants, directing them to obtain answers from the deputy-lieutenants and justices of the peace of their respective counties, to the questions,—Whether, if any of them were chosen to serve in Parliament, they would vote for the repeal of the penal laws and the Test? and whether they would contribute to the election of other members of the like disposition? and also to ascertain what corporations in each county were well affected, what individuals had influence enough to be elected, and what Catholics and Dissenters were qualified to be deputy-lieutenants or justices of the peace.

Several refused to obey so unconstitutional a com-

* Lord Sunderland's Letters, Sept. State Paper Office.

† Dated 5th Oct. Ibid. Van Citter's account exactly corresponds with the original document.

mand: their refusal had been foreseen; and so specious a pretext as that of disobedience was thus found for their removal from office.* Sixteen Lieutenancies †, held by fourteen Lieutenants, were immediately changed; the majority of whom were among the principal noblemen of the kingdom, to whom the government of the most important provinces had, according to ancient usage, been entrusted. The removal of Lord Scarsdale ‡ from his Lieutenancy of Derbyshire displayed the disposition of the Princess Anne, and furnished some scope for political dexterity on her part and on that of her father. Lord Scarsdale holding an office in the household of Prince George, the Princess sent Lord Churchill to the King from herself and her husband, humbly desiring to know his Majesty's pleasure how they should deal with one of the Prince's servants who had incurred the King's disfavour. The King, perceiving that it was intended to throw Scarsdale's removal from their household upon him, and extremely solicitous that it should appear to be his daughter's spontaneous act, and thus seem a proof of her hearty concurrence in his measures, declared his reluctance to prescribe to them in the appointment or dismissal of their officers. The Princess (for Prince George was a cipher) contented herself with this superficial show of respect, and resolved that the sacrifice of Scarsdale, if ever made, should appear to be no more than the bare obedience of a subject and a daughter. James was soon worsted in this conflict of address, and was obliged to notify his pleasure that Scarsdale should be removed, to avoid the humiliation of seeing his daughter's court become the refuge of those whom he had displaced.§ The vacant Lieutenancies were be-

* Barillon, 8th Dec. MS. "Il alloit faire cette tentative pour avoir un prétexte de les changer."

† Id. 18th Dec. ‡ Id. 15th Dec.

§ Barillon, 30th August. Fox MSS.

stowed on Catholics, with the exception of Mulgrave (who had promised to embrace the King's faith, but whose delays begot suspicions of his sincerity), and of Jeffreys, Sunderland, and Preston; who, though they continued to profess the Protestant religion, were no longer members of the Protestant party. Five colonels of cavalry, two of infantry, and four governors of fortresses (some of whom were also Lord lieutenants, and most of them of the same class of persons), were removed from their commands. Of thirty-nine new sheriffs, thirteen were said to be Roman Catholics.* Although the proportion of gentry among the Nonconformists was less, yet their numbers being much greater, it cannot be doubted that a considerable majority of these magistrates were such as the King thought likely to serve his designs.

Even the most obedient and zealous Lord lieutenants appear to have been generally unsuccessful: the Duke of Beaufort made an unfavourable report of the principality of Wales; and neither the vehemence of Jeffreys, nor the extreme eagerness of Rochester, made any considerable impression in their respective counties. Lord Waldegrave, a Catholic, the King's son-in-law, found insurmountable obstacles in Somersetshire†; Lord Molyneux, also a Catholic, appointed to the Lieutenancy of Lancashire, made an unfavourable report even of that county, then the secluded abode of an ancient Catholic gentry; and Dr. Leyburn, who had visited every part of England in the discharge of his episcopal duty, found little to encourage the hopes and prospects of the King. The most general answer appears to have been, that if chosen to serve in Parliament,

* The names are marked in a handwriting apparently contemporary, on the margin of the list, in a copy of the London Gazette now before me. Van Citters (14th Nov.) makes the sheriffs almost all either Roman Catholics or Dissenters, — probably an exaggeration. In his despatch of 16th Dec., he states the sheriffs to be thirteen Catholics, thirteen Dissenters, and thirteen submissive Churchmen.

† D'Adda, 12th Dec. MS.

the individuals to whom the questions were put would vote according to their consciences, after hearing the reasons on both sides; that they could not promise to vote in a manner which their own judgment after discussion might condemn; that if they entered into so unbecoming an engagement, they might incur the displeasure of the House of Commons for betraying its privileges; and that they would justly merit condemnation from all good men for disabling themselves from performing the duty of faithful subjects by the honest declaration of their judgment on those arduous affairs on which they were to advise and aid the King. The Court was incensed by these answers; but to cover their defeat, and make their resolution more known, it was formally notified in the London Gazette *, that "His Majesty, being resolved to maintain the Declaration of Liberty of Conscience, and to use the utmost endeavours that it may pass into a law, and become an established security for after ages, has thought fit to review the lists of deputy-lieutenants and justices of the peace; that those may continue who are willing to contribute to so good and necessary a work, and such others be added from whom he may reasonably expect the like concurrence."

It is very difficult to determine in what degree the patronage of the Crown, military, civil, and ecclesiastical, at that period, influenced parliamentary elections. The colonies then scarcely contributed to it.† No offices in Scotland, and few in Ireland, were bestowed for English purposes. The revenue was small compared with that of after times, even after due allowance is made for the subsequent change in the value of money: but it was collected at such a needless expense as to become, from the mere ignorance and negligence of the Government, a source of influence much more than proportioned to its amount. The Church was

* Of the 11th Dec.

† Chamberlayne, Present State of England (London, 1674).

probably guarded for the moment by the zeal and honour of its members, against the usual effects of royal patronage; end even the mitre lost much of its attractions, while the see of York was believed to be kept vacant for a Jesuit. A standing army of 30,000 men presented new means of provision and objects of ambition to the young gentry, who then monopolised military appointments. The revenue, small as it now seems, had increased in proportion to the national wealth, more in the preceding half century than in any equal period since; and the army had within that time come into existence. It is not easy to decide whether the novelty and rapid increase of these means of bestowing gratification increased at the same time their power over the mind, or whether it was not necessarily more feeble, until long experience had directed the eyes of the community habitually towards the Crown as the source of income and advancement. It seems reasonable to suppose that it might at first produce more violent movements, and in the sequel more uniform support. All the offices of provincial administration were then more coveted than they are now. Modern legislation and practice had not yet withdrawn any part of that administration from Lieutenants, deputy-lieutenants, sheriffs, coroners, which had been placed in their hands by the ancient laws. A justice of the peace exercised a power over his inferior never controlled by public opinion, and for the exercise of which he could hardly be said to be practically amenable to law. The influence of Government has abated as the powers of these offices have been contracted, or their exercise more jealously watched. Its patronage cannot be justly estimated, unless it be compared with the advantage to be expected from other objects of pursuit. The professions called "learned" had then fewer stations and smaller incomes than in subsequent periods: in commerce, the disproportion was immense; there could hardly be said to be any manufactures; and agriculture was un-

skilful, and opulent farmers unheard of. Perhaps the whole amount of income and benefits at the disposal of the Crown bore a larger proportion to that which might be earned in all the other pursuits raised above mere manual labour than might at first sight be supposed: how far the proportion was less than at present it is hard to say. But patronage in the hands of James was the auxiliary of great legal power through the Lord lieutenants, and of the direct nomination of the members for the corporate towns. The grossest species of corruption had been practised among members *; and the complaints which were at that time prevalent of the expense of elections, render it very probable that bribery was spreading among the electors. Expensive elections have, indeed, no other necessary effect than that of throwing the choice into the hands of wealthy candidates; but they afford too specious pretexts for the purchase of votes, not to be employed in eager contests, as a disguise of that practice.

The rival, though sometimes auxiliary, influence of great proprietors, seems to have been at that time, at least, as considerable as at any succeeding moment. The direct power of nominating members must have been vested in many of them by the same state of suffrage and property which confer it on them at present †, while they were not rivalled in more popular elections by a monied interest. The power of landholders over their tenants was not circumscribed; and in all county towns they were the only rich customers of tradesmen who had then only begun to emerge from indigence and dependence. The majority of these landholders were Tories, and now adhered to the Church: the minority, consisting of the most opulent and noble, were the friends of liberty, who received with open arms their unwonted allies.

From the naturally antagonist force of popular opinion little was probably dreaded by the Court.

* Pension Parliament. † 1826.—Ed.

The Papal, the French, and the Dutch ministers, as well as the King and Lord Sunderland, in their unreserved conferences with the first two, seem to have pointed all their expectations and solicitudes towards the uncertain conduct of powerful individuals. The body of the people could not read: one portion of them had little knowledge of the sentiments of another; no publication was tolerated, on a level with the information then possessed even by the middle classes; and the only channel through which they could be acted upon was the pulpit, which the King had vainly, though perfidiously, endeavoured to shut up. Considerable impediments stood in the way of the King's direct power over elections, in the difficulty of finding candidates for Parliament not altogether disreputable, and corporators whose fidelity might be relied on. The moderate Catholics reluctantly concurred in the precipitate measures of the Court. They were disqualified, by long exclusion from business, for those offices to which their rank and fortune gave them a natural claim; and their whole number was so small, that they could contribute no adequate supply of fit persons for inferior stations.* The number of the Nonconformists were, on the other hand, considerable; amounting, probably, to a sixteenth of the whole people, without including the compulsory and occasional Conformists, whom the Declaration of Indulgence had now encouraged to avow their real sentiments.† Many of them had acquired wealth by trade, which under the Republic and the Protectorate began

* By Sir William Petty's computation, which was the largest, the number of Catholics in England and Wales, about the accession of James, was 32,000. The survey of bishops in 1676, by order of Charles II., made it 27,000. Barlow (Bishop of Lincoln), Genuine Remains (London, 1693), p. 312. "George Fox," said Petty, "made five times more Quakers in forty-four years than the Pope, with all his greatness, has made Papists."

† Barlow, suprà.—About 250,000, when the population was little more than four millions.

to be generally adopted as a liberal pursuit; but they were confined to the great towns, and were chiefly of the Presbyterian persuasion, who were ill affected to the Court. Concerning the greater number, who were to form the corporations throughout the country, it was difficult to obtain accurate information, and hard to believe that in the hour of contest, they could forget their enthusiastic animosity against the Church of Rome. As the project of introducing Catholics into the House of Commons by an exercise of the dispensing power had been abandoned, nothing could be expected from them but aid in elections; and if one eighth — a number so far surpassing their natural share — of the members should be Nonconformists, they would still bear a small proportion to the whole body. These intractable difficulties, founded in the situation, habits, and opinions of men, over which measures of policy or legislation have no direct or sudden power, early suggested to the more wary of the King's counsellors the propriety of attempting some compromise, by which he might immediately gain more advantage and security for the Catholics than could have been obtained from the Episcopalian Parliament, and open the way for further advances in a more favourable season.

Shortly after the dissolution, Lord Sunderland communicated to the Nuncio his opinions on the various expedients by which the jealousies of the Nonconformists might be satisfied.* "As we have wounded the Anglican party," said he, "we must destroy it, and use every means to strengthen as well as conciliate the other, that the whole nation may not be alienated, and that the army may not discover the dangerous secret of the exclusive reliance of the Government upon its fidelity." "Among the Nonconformists were," he added, "three opinions relating to the Catholics: that of those who would repeal all the

* D'Adda, 7th August. MS.

penal laws against religious worship, but maintain the disabilities for office and Parliament; that of those who would admit the Catholics to office, but continue their exclusion from both Houses of Parliament; and that of a still more indulgent party, who would consent to remove the recent exclusion of the Catholic peers, trusting to the oath of supremacy in the reign of Elizabeth, as a legal, though it had not proved in practice a constant, bar against their entrance into the House of Commons:—to say nothing of a fourth project, entertained by zealous Catholics and thorough courtiers, that Catholic peers and commoners should claim their seats in both Houses by virtue of royal dispensations, which would relieve them from the oaths and declarations against their religion required by law,—an attempt which the King himself had felt to be too hazardous, as being likely to excite a general commotion on the first day of the session, to produce an immediate rupture with the new Parliament, and to forfeit all the advantage which had been already gained by a determination of both Houses against the validity of the dispensations." He further added, that "he had not hitherto conferred on these weighty matters with any but the King, that he wished the Nuncio to consider them, and was desirous to govern his own conduct by that prelate's decision." At the same time he gave D'Adda to understand, that he was inclined to some of the above conciliatory expedients, observing, "that it was better to go on step by step, than obstinately to aim at all with the risk of gaining nothing;" and hinting, that this pertinacity was peculiarly dangerous, where all depended on the life of James. Sunderland's purpose was to insinuate his own opinions into the mind of the Nuncio, who was the person most likely to reconcile the King and his priests to only partial advantages. But a prelate of the Roman Court, however inferior to Sunderland in other respects, was more than his match in the art of evading the responsibility

which attends advice in perilous conjunctures. With many commendations of his zeal, D'Adda professed "his incapacity of judging in a case which involved the opinions and interests of so many individuals and classes; but he declared, that the fervent prayers of his Holiness, and his own feeble supplications, would be offered to God, for light and guidance to his Majesty and his ministers in the prosecution of their wise and pious designs."

William Penn proposed a plan different from any of the *temperaments* mentioned above; which consisted in the exclusion of Catholics from the House of Commons, and the division of all the public offices into three equal parts, one of which should belong to the Church, another should be open to the Nonconformists, and a third to the Catholics*;—an extremely unequal distribution, if it implied the exclusion of the members of the Church from two thirds of the stations in the public service; and not very moderate, if it should be understood only as providing against the admission of the dissidents to more than two thirds of these offices. Eligibility to one third would have been a more equitable proposition, and perhaps better than any but that which alone is perfectly reasonable,—that the appointment to office should be altogether independent of religious opinion. An equivalent for the Test was held out at the same time, which had a very specious and alluring appearance. It was proposed that an Act for the establishment of religious liberty should be passed; that all men should be sworn to its observance; that it should be made a part of the coronation oath, and rank among the fundamental laws, as the *Magna Charta* of Conscience; and that any attempt to repeal it should be declared to be a capital crime.†

The principal objections to all these mitigated or

* Johnstone, 13th Jan. 1688. MS.

† "Good Advice." "Parliamentum Pacificum."

attractive proposals arose from distrust in the King's intention. It did not depend on the conditions offered, and was as fatal to moderate compromise as to undistinguishing surrender. The nation were now in a temper to consider every concession made to the King as an advantage gained by an enemy, which mortified their pride, as well as lessened their safety: they regarded negotiation as an expedient of their adversaries to circumvent, disunite, and dishearten them.

The state of the House of Lords was a very formidable obstacle. Two lists of the probable votes in that assembly on the Test and penal laws were sent to Holland, and one to France, which are still extant.* These vary in some respects from each other, according to the information of the writers, and probably according to the fluctuating disposition of some Peers. The greatest division adverse to the Court which they present, is ninety-two against the repeal of the penal and disabling laws to thirty-five for it, besides twenty whose votes are called "doubtful," and twenty-three disabled as Catholics: the least is eighty-six to thirty-three, besides ten doubtful and twenty-one Catholic. Singular as it may seem, Rochester, the leader of the Church party, is represented in all the lists as being for the repeal. From this agreement, and from his officious zeal as Lord Lieutenant of Hertfordshire, it cannot be doubted that he had promised his vote to the King; and though it is hard to say whether his promise was sincere, or whether treachery to his party or insincerity to his old master would be most deserving of blame, he cannot be acquitted of a grave offence either against political or personal morality. His brother Clarendon, a man of less understanding and

* The reports sent to Holland were communicated to me by the Duke of Portland. One of them purports to be drawn by Lord Willoughby. That sent by Barillon is from the Depôt des Affaires Etrangères at Paris.

courage, is numbered in one list as doubtful, and represented by another as a supporter of the Court. Lord Churchill is stated to be for the repeal, — probably from the confidence of the writers that gratitude would in him prevail over every other motive; for it appears that on this subject he had the merit of not having dissembled his sentiments to his royal benefactor.* Lord Godolphin, engaged rather in ordinary business than in political councils, was numbered in the ranks of official supporters. As Lord Dartmouth, Lord Preston, and Lord Feversham never fluctuated on religion, they deserve the credit of being rather blinded by personal attachment, than tempted by interest or ambition, in their support of the repeal.† Howard of Escrick and Grey de Werke, who had saved their own lives by contributing to take away those of their friends, appear in the minority as slaves of the Court. Of the bishops only four had gone so far as to be counted in all the lists as voters for the King.‡ Wood of Lichfield appears to be with the four in one list, and doubtful in another. The compliancy of Sprat had been such as to place him perhaps unjustly in the like situation. Old Barlow of Lincoln was thought doubtful. The other aged prelate, Crofts of Hereford, though he deemed himself bound to obey the King as a bishop, claimed the exercise of his own judgment as a lord of Parliament. Sunder-

* Coxe, Memoirs, &c. vol. i. pp. 23—29., where the authorities are collected, to which may be added the testimony of Johnstone: — "Lord Churchill swears he will not do what the King requires from him." — Letter, 12th Jan. 1688. MS.

† Johnstone, however, who knew them, did not ascribe their conduct to frailties so generous: "Lord Feversham and Lord Dartmouth are desirous of acting honourably: but the first is mean-spirited; and the second has an empty purse, yet aims at living grandly. Lord Preston desires to be an honest man; but if he were not your friend and my relation, I should say that he is both Feversham and Dartmouth." Ibid.

‡ Durham (Crew), Oxford (Parker), Chester (Cartwright), and St. David's (Watson).

land, who is marked as a disabled Catholic in one of the lists, and as a doubtful voter in another, appears to have obtained the royal consent to a delay of his public profession of the Catholic religion, that he might retain his ability to serve it by his vote in Parliament.* Mulgrave was probably in the same predicament. If such a majority was to continue immoveable, the counsels of the King must have become desperate, or he must have had recourse to open force: but this perseverance was improbable. Among the doubtful there might have been some who concealed a determined resolution under the exterior of silence or of hesitation. Such, though under a somewhat different disguise, was the Marquis of Winchester, who indulged and magnified the eccentricities of an extravagant character; counterfeited, or rather affected a disordered mind, as a security in dangerous times, like the elder Brutus in the legendary history of Rome; and travelling through England in the summer of 1687, with a retinue of four coaches and a hundred horsemen, slept during the day, gave splendid entertainments in the night, and by torch-light, or early dawn, pursued the sports of hunting and hawking.† But the majority of the doubtful must have been persons who assumed that character to enhance their price, or who lay in wait for the turns of fortune, or watched for the safe moment of somewhat anticipating her determination: of such men the powerful never despair. The example of a very few would be soon followed by the rest, and if they or many of them were gained, the accession of strength could not fail to affect the timid and mercenary who are to be found in all bodies, and whose

* "Ministers and others about the King, who have given him grounds to expect that they will turn Papists, say, that if they change before the Parliament, they cannot be useful to H.M. in Parliament, as the Test will exclude them." Johnstone, 8th Dec. 1687. MS.

† Reresby, p. 247.

long adherence to the Opposition was already wonderful.

But the subtle genius of Lord Sunderland, not content with ordinary means of seduction and with the natural progress of desertion, had long meditated an expedient for quickening the latter, and for supplying in some measure the place of both. He had long before communicated to the Nuncio a plan for subduing the obstinacy of the Upper House by the creation of the requisite number of new Peers* devoted to his Majesty's measures. He proposed to call up by writ the elder sons of friendly Lords; which would increase his present strength, without the incumbrance of new peerages, whose future holders might be independent. Some of the Irish†, and probably of the Scotch nobility, whose rank made their elevation to the English peerage specious, and whose fortunes disposed them to dependency on royal bounty, attracted his attention, as they did that of those ministers who carried his project into execution twenty-five years afterwards. He was so enamoured of this plan, that in a numerous company, where the resistance of the Upper House was said to be formidable, he cried out to Lord Churchill, "O silly! why, your troop of guards shall be called to the House of Lords!" ‡ On another occasion (if it be not a different version of the same anecdote) he declared, that sooner than not gain a majority in the House of Lords, he would make all Lord Feversham's troop Peers.§ The power of the Crown was in this case unquestionable. The constitutional purpose for which the prerogative of creating Peers exists, is, indeed,

* D'Adda, 11th Oct. 1686. MS.

† Johnstone, 27th Feb. 1688. MS.

‡ Burnet (Oxford, 1823), vol. iii. p. 249.; Lord Dartmouth's note.

§ Halifax MSS. The turn of expression would seem to indicate different conversations. At all events, Halifax affords a strong corroboration.

either to reward public service, or to give dignity to important offices, or to add ability and knowledge to a part of the legislature, or to repair the injuries of time, by the addition of new wealth to an aristocracy which may have decayed. But no law limits its exercise.* By the bold exercise of the prerogative of creating Peers, and of the then equally undisputed right of granting to towns the privilege of sending members to Parliament, it is evident that the King possessed the fullest means of subverting the constitution by law. The obstacles to the establishment of despotism consisted in his own irresolution or unskilfulness, in the difficulty of finding a sufficient number of trustworthy agents, and in such a determined hostility of the body of the people as led sagacious observers to forebode an armed resistance.† The firmness of the Lords has been ascribed to their fears of a resumption of the Church property confiscated at the Reformation: but at the distance of a century and a half, and after the dispersion of much of that property by successive sales, such fears were too groundless to have had a considerable influence. But though they ceased to be distinctly felt, and to act separately, it cannot be doubted that the remains of apprehensions once so strong, still contributed to fortify that dread of Popery, which was an hereditary

* It is, perhaps, not easy to devise such a limitation, unless it should be provided that no newly created Peer should vote till a certain period after his creation; which, in cases of signal service, would be ungracious, and in those of official dignity inconvenient.

† "On suivra ici le projet d'avoir un parliament tant qu'il ne paroitra pas impraticable; mais s'il ne réussit pas, le Roi d'Angleterre pretendra faire par son autorité ce qu'il n'aura pas obtenu par la voie d'un parliament. C'est en ce cas là qu'il aura besoin de ses amis au dedans et au dehors, et il recevra alors des oppositions qui approcheront fort d'une rebellion ouverte. On ne doit pas douter qu'elle ne soit soutenue par M. le Prince d'Orange, et que beaucoup de gens qui paroissent attachés au Roi d'Angleterre ne lui manquent au besoin; cette épreuve sera fort perilleuse." Barillon, Windsor, 9th Oct. 1687. MS.

point of honour among the great families aggrandised and enriched under the Tudors.

At the same time the edge of religious animosity among the people at large was sharpened by the controversy then revived between the divines of the two Churches. A dispute about the truth of their religion was insensibly blended with contests concerning the safety of the Establishment; and complete toleration brought with it that hatred which is often fiercer, and always more irreconcileable, against the opponents of our religious opinions than against the destroyers of our most important interests. The Protestant Establishment and the cause of liberty owed much, it must be owned, to this dangerous and odious auxiliary; while the fear, jealousy, and indignation of the people were more legitimately excited against a Roman Catholic Government by the barbarous persecution of the Protestants in France, and by the unprovoked invasion of the valleys of Piedmont; — both acts of a monarch of whom their own sovereign was then believed to be, as he is now known to have been, the creature.

The King had, in the preceding year, tried the efficacy of a progress through a part of the kingdom, to conciliate the nobility by personal intercourse, and to gratify the people by a royal visit to their remote abodes; which had also afforded an opportunity of rewarding compliance by smiles, and of marking the contumacious. With these views he had again this autumn meditated a journey to Scotland, and a coronation in that kingdom: but he confined himself to an excursion through some southern and western counties, beginning at Portsmouth, and proceeding through Bath (at which place the Queen remained during his journey) to Chester, where he had that important interview with Tyrconnel, of which we have already spoken. James was easily led to consider the courtesies of the nobility due to his station, and the acclamations of the multitude naturally excited by his

presence, as symptoms of an inflexible attachment to his person, and of a general acquiescence in his designs. These appearances, however, were not considered as of serious importance, either by the Dutch minister, who dreaded the King's popularity, or by the French ambassador, who desired its increase, or by the Papal Nuncio, who was so friendly to the ecclesiastical policy of the Court, and so adverse to its foreign connections as to render him in some measure an impartial observer. The journey was attended by no consequences more important than a few addresses extorted from Dissenters by the importunity of personal canvass, and the unseemly explosion of royal anger at Oxford against the fellows of Magdalen College.* Scarcely any of the King's measures seem to have had less effect on general opinion, and appear less likely to have influenced the election for which he was preparing.

But the Royal Progress was speedily followed by an occurrence which strongly excited the hopes and fears of the public, and at length drove the opponents of the King to decisive resolutions. Soon after the return of the Court to Whitehall †, it began to be whispered that the Queen was pregnant. This event in the case of a young princess, and of a husband still in the vigour of life, might seem too natural to have excited surprise. But five years had elapsed since her last childbirth, and out of eleven children who were born to James by both his wives, only two had out-

* "The King has returned from his progress so far as Oxford, on his way to the Bath, and we do not hear that his observations or his journey can give him any great encouragement. Besides the considerations of conscience and the public interest, it is grown into a point of honour universally received by the nation not to change their opinions, which will make all attempts to the contrary ineffectual." Halifax to the Prince of Orange, 1st Sept. Dalrymple, app. to book v.

† James rejoined the Queen at Bath on the 6th September. On the 16th he returned to Windsor, where the Queen came on the 6th October. On the 11th of that month they went to Whitehall. London Gazettes.

lived the years of infancy. Of these, the Princess of Orange was childless, and the Princess Anne, who had had six children, lost five within the first year of their lives, while the survivor only reached the age of eleven. Such an apparent peculiarity of constitution, already transmitted from parent to child, seemed to the credulous passions of the majority, unacquainted as they were with the latitude and varieties of nature, to be a sufficient security against such an accession to the royal progeny as should disturb the order of succession to the crown. The rumour of the Queen's condition suddenly dispelled this security. The Catholics had long and fervently prayed for the birth of a child, who being educated in their communion, might prolong the blessings which they were beginning to enjoy. As devotion, like other warm emotions, is apt to convert wishes into hopes, they betrayed a confidence in the efficacy of their prayers, which early excited suspicions among their opponents that less pure means might be employed for the attainment of the object. Though the whole importance of the pregnancy depended upon a contingency so utterly beyond the reach of human foresight as the sex of the child, the passions of both parties were too much excited to calculate probabilities; and the fears of the Protestants as well as the hopes of the Catholics anticipated the birth of a male heir. The animosity of the former imputed to the Roman Catholic religion, that unscrupulous use of any means for the attainment of an object earnestly desired, which might more justly be ascribed to inflamed zeal for any religious system, or with still greater reason to all those ardent passions of human nature, which, when shared by multitudes, are released from the restraints of fear or shame. In the latter end of November a rumour that the Queen had been pregnant for two months became generally prevalent*; and early in December, surmises of im-

* Narcissus Luttrell, 28th Nov. MS.

posture began to circulate at Court.* Time did not produce its usual effect of removing uncertainty, for, in the middle of the same month, the Queen's symptoms were represented by physicians as still ambiguous, in letters, which the careful balance of facts on both sides, and the cautious abstinence from a decisive opinion, seem to exempt from the suspicion of bad faith.† On the 23d of December, a general thanksgiving for the hope of increasing the royal family was ordered; but on the 15th of the next month, when that thanksgiving was observed in London, Lord Clarendon remarked with wonder, "that not above two or three in the church brought the form of prayer with them; and that it was strange to see how the Queen's pregnancy was every where ridiculed, as if scarce any body believed it to be true." The Nuncio early expressed his satisfaction at the pregnancy, as likely to contribute "to the re-establishment of the Catholic religion in these kingdoms‡;" and in the following month, he pronounced to her Majesty the solemn benediction of the Sovereign Pontiff, on a pregnancy so auspicious to the Church.§ Of the other ministers most interested in this event, Barillon, a veteran diplomatist, too cool and experienced to be deluded by his wishes, informed his master, "that the pregnancy was not believed to be true in London; and that in the country, those who spread the intelligence were laughed at‖;" while the Republican minister, Van Citters, coldly communicated the report, with some of the grounds of it, to the States-General, without hazarding an opinion on a matter so delicate. The Princess Anne, in confidential letters¶ to her

* Johnstone, 8th Dec. MS.

† Johnstone, 16th Dec. MS.,—containing a statement of the symptoms by Sir Charles Scarborough, and another physician whose name I have been unable to decipher.

‡ D'Adda, 2d Dec. MS. § Id. 20th Feb. 1688. MS.

‖ Barillon, 11th Dec. MS.

¶ March 14th—20th, 1688. Dalrymple, app. to book v. "Her

sister at the Hague, when she had no motive to dissemble, signified her unbelief, which continued even after the birth of the child, and was neither subdued by her father's solemn declarations, nor by the testimony which he produced.* On the whole, the suspicion, though groundless and cruel, was too general to be dishonest: there is no evidence that the rumour originated in the contrivance of any individuals; and it is for that reason more just, as well as perhaps in itself more probable, to conclude that it arose spontaneously in the minds of many, influenced by the circumstances and prejudices of the time. The currency of the like rumours, on a similar occasion, five years before, favours the opinion that they arose from the obstinate prejudices of the people rather than from the invention of designing politicians.† The imprudent confidence of the Catholics materially contributed to strengthen suspicion. When the King and his friends ascribed the pregnancy to his own late prayers at St. Winifred's well ‡, or to the vows while living, and intercession after death of the Duchess of Modena, the Protestants suspected that effectual measures would be taken to prevent the interposition of Heaven from being of no avail to the Catholic cause; and their jealous apprehensions were countenanced by the expectation of a son, which was indicated in the pro-

being so positive it will be a son, and the principles of that religion being such that they will stick at nothing, be it ever so wicked, if it will promote their interest, give some cause to fear that there is foul play intended." On the 18th June, she says, "Except they give very plain demonstration, which seems almost impossible now, I shall ever be of the number of unbelievers." Even the candid and loyal Evelyn (Diary, 10th and 17th June) very intelligibly intimates his suspicions.

* Clarendon, Diary, 31st Oct.

† "If it had pleased God to have given his Highness the blessing of a son, as it proved a daughter, you were prepared to make a Perkin of him." L'Estrange, Observator, 23d August, 1682.

‡ Life of James II., vol. ii. p. 129.

clamation for thanksgiving*, and unreservedly avowed in private conversation. As straws show the direction of the wind, the writings of the lowest scribblers may sometimes indicate the temper of a party; and one such writing, preserved by chance, may probably be a sample of the multitudes which have perished. Mrs. Behn, a loose and paltry poetastress of that age, was bold enough in the title page of what she calls "A Poem to their Majesties," to add, "on the hopes of all loyal persons for a Prince of Wales," and ventures in her miserable verses already to hail the child of unknown sex, as "Royal Boy."† The lampooners of the opposite party, in verses equally contemptible, showered down derision on the Romish imposture, and pointed the general abhorrence and alarm towards the new Perkin Warbeck whom the Jesuits were preparing to be the instrument of their designs.

While these hopes and fears agitated the multitude of both parties, the ultimate objects of the King became gradually more definite, while he at the same time deliberated, or perhaps, rather decided, about the choice of his means. His open policy assumed a more decisive tone: Castlemaine, who in his embassy had acted with the most ostentatious defiance of the laws, and Petre, the most obnoxious clergyman of the Church of Rome, were sworn of the Privy Council.‡ The latter was even promoted to an ecclesiastical office in the household of a prince, who still exercised all the powers of the supreme head of a Protestant Church. Corker, an English Benedictine, the superior of a monastery of that order in London, had an au-

* The object of the thanksgiving was indicated more plainly in the Catholic form of prayer on that occasion:—"Concede propitius ut famula tua regina nostra Maria partu felici prolem edat tibi fideliter servituram."

† State Poems, vol. iii. and iv.; a collection at once the most indecent and unpoetical probably extant in any language.

‡ London Gazette, 25th Sept. and 11th Nov. 1687; in the last Petre is styled "Clerk of the Closet."

dience of the King in his ecclesiastical habits, as envoy from the Elector of Cologne*, doubtless by a secret understanding between James and that prince;—an act, which Louis XIV. himself condemned as unexampled in Catholic countries, and as likely to provoke heretics, whose prejudices ought not to be wantonly irritated.† As the animosity of the people towards the Catholic religion increased, the designs of James for its re-establishment became bolder and more open. The monastic orders, clad in garments long strange and now alarming to the people, filled the streets; and the King prematurely exulted that his capital had the appearance of a Catholic city‡,—little aware of the indignation with which that obnoxious appearance inspired the body of his Protestant subjects. He must now have felt that his contest had reached that point in which neither party would submit without a total defeat.

The language used or acquiesced in by him in the most confidential intercourse, does not leave his intention to be gathered by inference. For though the words, "to establish the Catholic religion," may denote no more than to secure its free exercise, another expression is employed on this subject for a long time, and by different persons, in correspondence with him, which has no equivocal sense, and allows no such limitation. On the 12th of May, 1687, Barillon had assured him, that the most Christian King "had nothing so much at heart as to see the success of his exertions to re-establish the Catholic religion." Far from limiting this important term, James adopted it in its full extent, answering, "You see that I omit nothing in my power;" and not content with thus accepting the congratulation in its utmost latitude, he continued, "I hope the King your master will aid me; and that

* Narcissus Luttrell, Jan. 1688. MS.
† The King to Barillon, 26th Feb. MS.
‡ D'Adda, 9th March. MS.

we shall, in concert, do great things for religion." In a few months afterwards, when imitating another part of the policy of Louis XIV., he had established a fund for rewarding converts to his religion, he solicited pecuniary aid from the Pope for that very ambiguous purpose. The Nuncio, in answer, declared the sorrow of his Holiness, at being disabled by the impoverished state of his treasury from contributing money, notwithstanding "his paternal zeal for the promoting, in every way, the re-establishment of the Catholic religion in these kingdoms;"* as he had shortly before expressed his hope, that the Queen's pregnancy would ensure "the re-establishment of the true religion in these kingdoms."† Another term in familiar use at Court for the final object of the royal pursuit was "the great work,"—a phrase, borrowed from the supposed transmutation of metals by the alchemists, which naturally signified a total change, and which never could have been applied to mere toleration by those who were in system, if not in practice, the most intolerant of an intolerant age. The King told the Nuncio, that Holland was the main obstacle to the establishment of the Catholic religion in these kingdoms; and D'Abbeville declared, that without humbling the pride of that republic, there could be no hope of the success "of the great work."‡ Two years afterwards, James, after reviewing his whole policy and its consequences, deliberately and decisively avows the extent of his own designs:—"Our subjects opposed our government, from the fear that we should introduce the orthodox faith, which we were, indeed, labouring to accomplish when the storm began, and which we have done in our kingdom of Ireland."§ Mary of Este, during the absence of her husband in Ireland, exhorts

* D'Adda, 2d Jan. 1688. MS. † Id. 2d Dec. 1687. MS.
‡ Id. 23d August, 1687. MS.
§ James II. to Cardinal Ottoboni. Dublin, 15th Feb. 1690. Papal MSS.

the Papal minister, "to earn the glorious title of restorer of the faith in the British kingdoms," and declares, that she "hopes much from his administration for the re-establishment both of religion and the royal family."* Finally, the term "re-establish," which can refer to no time subsequent to the accession of Elizabeth, had so much become the appropriate term, that Louis XIV. assured the Pope of his determination to aid "the King of England, and to re-establish the Catholic religion in that Island."†

None of the most discerning friends or opponents of the King seem at this time to have doubted that he meditated no less than to transfer to his own religion the privileges of an Established Church. Gourville, one of the most sagacious men of his age, being asked by the Duchess of Tyrconnel, when about to make a journey to London, what she should say to the King if he inquired about the opinion of his old friend Gourville, of his measures for the "re-establishment" of the Catholic religion in England, begged her to answer,—"If I were Pope, I should have excommunicated him for exposing all the English Catholics to the risk of being hanged. I have no doubt, that what he sees done in France is his model, but the circumstances are very different. In my opinion, he ought to be content with favouring the Catholics on every occasion, in order to augment their number, and he should leave to his successors the care of gradually subjecting England altogether to the authority of the Pope."‡ Bossuet, the most learned, vigorous, and eloquent of controversialists, ventured at this critical time to foretel, that the pious efforts of James would speedily be rewarded by the reconciliation of the British islands to the Uni-

* Mary to Ottoboni, St. Germains, 4th—15th Dec. 1689. Papal MSS.

† Louis to the Pope, 17th Feb. 1689. MS.

‡ Mémoires de Gourville, vol. ii. p. 254.

versal Church, and their filial submission to the Apostolic See.*

If Gourville considered James an injudicious imitator of Louis XIV., it is easy to imagine what was thought on the subject in England, at a time when one of the mildest, not to say most courtly, writers, in the quietness and familiarity of his private diary, speaks of "the persecution raging in France," and so far forgets his own temper, and the style suitable to such writings, as to call Louis "the French tyrant."† Lord Halifax, Lord Nottingham, and Lord Danby, the three most important opponents of the King's measures, disagreeing as they did very considerably in opinion and character, evidently agreed in their apprehension of the extent of his designs.‡ They advert to them as too familiar to themselves and their correspondent to require proof, or even development; they speak of them as being far more extensive than the purposes avowed; and they apply terms to them which might be reasonable in the present times, when many are willing to grant and to be contented with religious liberty, but which are entirely foreign to the conceptions of an age when toleration (a term then synonymous with connivance) was the ultimate object of no great party in religion, but was sometimes sought by Dissenters as a step towards establishment, and sometimes yielded by the followers of an Established Church under the pressure of a stern necessity. Some even of those who, having

* Histoire des Variations des Eglises Protestants, liv. vii.

† Evelyn, vol. i. Diary, 3d Sept. 1687—23d Feb. 1688.

‡ Lord Halifax to the Prince of Orange, 7th Dec. 1686—18th Jan.—31st May, 1687. "Though there appears the utmost vigour to pursue the object which has been so long laid, there seemeth to be no less firmness in the nation and aversion to change."—"Every day will give more light to what is intended; though it is already no more a mystery." Lord Nottingham to the Prince, 2d Sept. 1687:—"For though the end at which they aim is very plain and visible, the methods of ariving at that end have been variable and uncertain." Dalrymple, app. to book v.

been gained over by the King, were most interested in maintaining his sincerity, were compelled at length to yield to the general conviction. Colonel Titus, a veteran politician, who had been persuaded to concur in the repeal of the penal laws (a measure agreeable to his general principles), declared "that he would have no more to do with him; that his object was only the repeal of the penal laws; that his design was to bring in his religion right or wrong,—to model the army in order to effect that purpose; and, if that was not sufficient, to obtain assistance from France."*

The converts to the religious or political party of the King were few and discreditable. Lord Lorn, whose predecessors and successors were the firmest supporters of the religion and liberty of his country, is said to have been reduced by the confiscation of his patrimony to the sad necessity of professing a religion which he must have regarded with feelings more hostile than those of mere unbelief.† Lord Salisbury, whose father had been engaged with Russell and Sydney in the consultation called the "Ryehouse Plot," and whose grandfather had sat in the House of Commons after the abolition of the monarchy and the peerage, embraced the Catholic religion, and adhered to it during his life. The Offices of Attorney and Solicitor-general, which acquire a fatal importance in this country under Governments hostile to liberty, were newly filled. Sawyer, who had been engaged in the worst prosecutions of the preceding ten years, began to tremble for his wealth, and retired from a post of dishonourable danger. He was succeeded by Sir Thomas Powis, a lawyer of no known opinions or connections in politics, who acted on the unprincipled maxim, that, having had too little concern for his country to show any

* Johnstone, 16th Feb. MS.

† Narcissus Luttrell, 1st April, MS.:—"arrested for 3000*l.*, declares himself a Catholic."

preference for public men or measures, he might as lawfully accept office under any Government, as undertake the defence of any client. Sir William Williams, the confidential adviser of Lord Russell, on whom a fine of 10,000*l.* had been inflicted, for having authorised, as Speaker of the House of Commons, a publication, though solemnly pledged both to men and measures in the face of the public, now accepted the office of Solicitor-general, without the sorry excuse of any of those maxims of professional ethics by which a powerful body countenance each other in their disregard of public duty. A project was also in agitation for depriving the Bishop of London by a sentence of the Ecclesiastical Commissioners for perseverance in his contumacy *; but Cartwright, of Chester, his intended successor, having, in one of his drunken moments, declared the Chancellor and Lord Sunderland to be scoundrels who would betray the King (which he first denied by his sacred order, but was at last reduced to beg pardon for in tears †), the plan of raising him to the see was abandoned. Crew, Bishop of Durham, was expected to become a Catholic, and Parker of Oxford,—the only prelate whose talents and learning, seconded by a disregard of danger and disgrace, qualified him for breaking the spirit of the clergy of the capital,—though he had supported the Catholic party during his life, refused to conform to their religion on his death-bed ‡; leaving it doubtful, by his habitual alienation from religion and honour, to the lingering remains or the faint revival of which of these principles the unwonted delicacy of his dying moments may be most probably ascribed.

* Johnstone, 8th Dec, 1687. MS.
† Johnstone, 27th Feb. MS. Narcissus Luttrell, 11th Feb. MS.
‡ Evelyn, vol. i. Diary, 23d March.

CHAPTER VII

REMARKABLE QUIET.—ITS PECULIAR CAUSES.—COALITION OF NOTTINGHAM AND HALIFAX.—FLUCTUATING COUNSELS OF THE COURT.—"PARLIAMENTUM PACIFICUM."—BILL FOR LIBERTY OF CONSCIENCE.—CONDUCT OF SUNDERLAND.—JESUITS.

ENGLAND perhaps never exhibited an external appearance of more undisturbed and profound tranquillity than in the momentous seven months which elapsed from the end of the autumn of 1687 to the beginning of the following summer. Not a speck in the heavens seemed to the common eye to forebode a storm. None of the riots now occurred which were the forerunners of the civil war under Charles I.: nor were there any of those numerous assemblies of the people which affright by their force, when they do not disturb by their violence, and are sometimes as terrific in disciplined inaction, as in tumultuous outrage. Even the ordinary marks of national disapprobation, which prepare and announce a legal resistance to power, were wanting. There is no trace of any public meetings having been held in counties or great towns where such demonstrations of public opinion could have been made. The current of flattering addresses continued to flow towards the throne, uninterrupted by a single warning remonstrance of a more independent spirit, or even of a mere decent servility. It does not appear that in the pulpit, where alone the people could be freely addressed, political topics were discussed; though it must be acknowledged that the controversial sermons against the opinions of the Church of Rome, which then abounded, proved in effect the most formidable obstacle to the progress of her ambition.

Various considerations will serve to lessen our wonder at this singular state of silence and inactivity. Though it would be idle to speak gravely of the calm which precedes the storm, and thus to substitute a

trite illustration for a reason, it is nevertheless true, that there are natural causes which commonly produce an interval, sometimes, indeed, a very short one, of more than ordinary quiet between the complete operation of the measures which alienate a people, and the final resolution which precedes a great change. Amidst the hopes and fears which succeed each other in such a state, every man has much to conceal; and it requires some time to acquire the boldness to disclose it. Distrust and suspicion, the parents of silence, which easily yield to sympathy in ordinary and legal opposition, are called into full activity by the first secret consciousness of a disposition to more daring designs. It is natural for men in such circumstances to employ time in watching their opponents, as well as in ascertaining the integrity and courage of their friends. When human nature is stirred by such mighty agents, the understanding, indeed, rarely deliberates; but the conflict and alternation of strong emotions, which assume the appearance and receive the name of deliberation, produce naturally a disposition to pause before irrevocable action. The boldest must occasionally contemplate their own danger with apprehension; the most sanguine must often doubt their success; those who are alive to honour must be visited by the sad reflection, that if they be unfortunate they may be insulted by the multitude for whom they sacrifice themselves; and good men will be frequently appalled by the inevitable calamities to which they expose their country for the uncertain chance of deliverance. When the fluctuation of mind has terminated in bold resolution, a farther period of reserve must be employed in preparing the means of co-operation and maturing the plans of action.

But there were some circumstances peculiar to the events now under consideration, which strengthened and determined the operation of general causes. In 1640, the gentry and the clergy had been devoted to the Court, while the higher nobility and the great

towns adhered to the Parliament. The people distrusted their divided superiors, and the tumultuous display of their force (the natural result of their angry suspicions) served to manifest their own inclinations, while it called forth their friends and intimidated their enemies among the higher orders. In 1688, the state of the country was reversed. The clergy and gentry were for the first time discontented with the Crown; and the majority of the nobility, and the growing strength of the commercial classes, reinforced by these unusual auxiliaries, and by all who either hated Popery or loved liberty, were fully as much disaffected to the King as the great body of the people. The nation trusted their natural leaders, who, perhaps, gave, more than they received, the impulse on this occasion. No popular chiefs were necessary, and none arose to supply the place of their authority with the people, who reposed in quiet and confidence till the signal for action was made. This important circumstance produced another effect: the whole guidance of the opposition fell gradually into fewer and fewer hands; it became every day easier to carry it on more calmly; popular commotion could only have disturbed councils where the people did not suspect their chiefs of lukewarmness, and the chiefs were assured of the prompt and zealous support of the people. It was as important now to restrain the impetuosity of the multitude, as it might be necessary in other circumstances to indulge it. Hence arose the facility of caution and secrecy at one time, of energy and speed at another, of concert and co-operation throughout, which are indispensable in enterprises so perilous. It must not be forgotten that a coalition of parties was necessary on this occasion. It was long before the Tories could be persuaded to oppose the monarch; and there was always some reason to apprehend, that he might by timely concessions recal them to their ancient standard: it was still longer before they could so far relinquish their avowed principles as to contemplate, without horror,

any resistance by force, however strictly defensive. Two parties, who had waged war against each other in the contest between monarchy and popular government, during half a century, even when common danger taught them the necessity of sacrificing their differences, had still more than common reason to examine each other's purposes before they at last determined on resolutely and heartily acting together; and it required some time after a mutual belief in sincerity, before habitual distrust could be so much subdued as to allow reciprocal communication of opinion. In these moments of hesitation, the friends of liberty must have been peculiarly desirous not to alarm the new-born zeal of their important and unwonted confederates by turbulent scenes or violent councils. The state of the succession to the crown had also a considerable influence, as will afterwards more fully appear. Suffice it for the present to observe, that the expectation of a Protestant successor restrained the impetuosity of the more impatient Catholics, and disposed the more moderate Protestants to an acquiescence, however sullen, in evils which could only be temporary. The rumour of the Queen's pregnancy had roused the passions of both parties; but as soon as the first shock had passed, the uncertain result produced an armistice, distinguished by the silence of anxious expectation, during which each eagerly but resolutely waited for the event, which might extinguish the hopes of one, and release the other from the restraint of fear.

It must be added, that to fix the precise moment when a wary policy is to be exchanged for bolder measures, is a problem so important, that a slight mistake in the attempt to solve it may be fatal, and yet so difficult, that its solution must generally depend more on a just balance of firmness and caution in the composition of character, than on a superiority of any intellectual faculties. The two eminent persons who were now at the head of the coalition

against the Court, afforded remarkable examples of this truth. Lord Nottingham, who occupied that leading station among the Tories, which the timidity if not treachery of Rochester had left vacant, was a man of firm and constant character, but solicitous to excess for the maintenance of that uniformity of measures and language which, indeed, is essential to the authority of a decorous and grave statesman. Lord Halifax, sufficiently pliant, or perhaps fickle, though the boldest of politicians in speculation, became refined, sceptical, and irresolute, at the moment of action. Both hesitated on the brink of a great enterprise: Lord Nottingham pleaded conscientious scruples, and recoiled from the avowal of the principles of resistance which he had long reprobated; Lord Halifax saw difficulty too clearly, and continued too long to advise delay. Those who knew the state of the latter's mind, observed "the war between his constitution and his judgment*;" in which, as usual, the former gained the ascendant for a longer period than, in the midst of the rapid progress of great events, was conducive to his reputation.

Some of the same causes which restrained the manifestation of popular discontent, contributed also to render the counsels of the Government inconstant. The main subject of deliberation, regarding the internal affairs of the kingdom, continued to be the possibility of obtaining the objects sought for by a compliant Parliament, or the pursuit of them by means of the prerogative and the army. On these questions a more than ordinary fluctuation prevailed. Early in the preceding September, Bonrepos, who, on landing, met the King at Portsmouth, had been surprised at the frankness with which he owned, that the repairs and enlargements of that important fortress were intended to strengthen it against his subjects†;

* Johnstone, 4th April. MS.
† Bonrepos to Seignelai, 4th Sept. Fox MSS.

and at several periods the King and his most zealous advisers had spoken of the like projects with as little reserve. In October it was said, "that if nothing could be done by parliamentary means, the King would do all by his prerogative;"—an attempt from which Barillon expected that insurrection would ensue.* Three months after, the bigoted Romanists, whether more despairing of a Parliament or more confident in their own strength, and incensed at resistance, no longer concealed their contempt for the Protestants of the Royal Family, and the necessity of recurring to arms.† The same temper showed itself at the eve of the birth of a Prince. The King then declared, that, rather than desert, he should pursue his objects without a Parliament, in spite of any laws which might stand in his way;—a project which Louis XIV., less bigoted and more politic, considered "as equally difficult and dangerous."‡ But the sea might as well cease to ebb and flow, as a council to remain for so many months at precisely the same point in regard to such hazardous designs. In the interval between these plans of violence, hopes were sometimes harboured of obtaining from the daring fraud of returning officers, such a House of Commons as could not be hoped for from the suffrages of any electors; but the prudence of the Catholic gentry, who were named sheriffs, appears to have speedily

* Barillon, 10th Oct. Bonrepos to Seignelai, same date. Fox MSS.

† Johnstone, 29th Jan. MS. Lady Melfort overheard the priests speak to her husband of "blood," probably with reference to foreign war, as well as to the suppression of the disaffected at home.—"Sidney vous fera savoir qu'après des grandes contestations on est enfin résolu de faire leurs affaires sans un parlement."

‡ Barillon, 6th May. The King to Barillon, 14th May. Fox MSS.—"Le projet que fait la cour ou vous êtes de renverser toutes les lois d'Angleterre pour parvenir au but qu'elle se propose, me paroît d'une difficile et périlleuse exécution."

disappointed this expectation.* Neither do the Court appear to have even adhered for a considerable time to the bold project of accomplishing their purposes without a Parliament. In moments of secret misgiving, when they shrunk from these desperate counsels, they seem frequently to have sought refuge in the flattering hope, that their measures to fill a House of Commons with their adherents, though hitherto so obstinately resisted, would in due time prove successful. The meeting of a Parliament was always held out to the public, and was still sometimes regarded as a promising expedient†: while a considerable time for sounding and moulding the public temper yet remained before the three years within which the Triennial Act required that assembly to be called together, would elapse; and it seemed needless to cut off all retreat to legal means till that time should expire. The Queen's pregnancy affected these consultations in various modes. The boldest considered it as likely to intimidate their enemies, and to afford the happiest opportunity for immediate action. A Parliament might, they said, be assembled, that would either yield to the general joy at the approaching birth of a prince, or by their sullen and mutinous spirit justify the employment of more decisive measures. The more moderate, on the other hand, thought, that if the birth of a prince was followed by a more cautious policy, and if the long duration of a Catholic government were secured by the parliamentary establishment of a regency, there was a better chance than before of gaining all important objects in no very long time by the forms of law and without hazard to the public quiet. Penn desired a Parliament, as the only mode of establish-

* Johnstone, 8th Dec. MS. "Many of the Popish sheriffs have estates, and declare that whoever expects false returns from them will be deceived."

† Id. 21st Feb. MS.

ing toleration without subverting the laws, and laboured to persuade the King to spare the Tests, or to offer an equivalent for such parts of them as he wished to take away.* Halifax said to a friend, who argued for the equivalent, "Look at my nose, it is a very ugly one, but I would not take one five hundred times better as an equivalent, because my own is fast to my face;"† and made a more serious attack on these dangerous and seductive experiments, in his masterly tract, entitled "The Anatomy of an Equivalent." Another tract was published to prepare the way for what was called "A Healing Parliament," which, in the midst of tolerant professions and conciliatory language, chiefly attracted notice by insult and menace. In this publication, which, being licensed by Lord Sunderland‡, was treated as the act of the Government, the United Provinces were reminded, that "their commonwealth was the result of an absolute rebellion, revolt, and defection, from their prince;" and they were apprised of the respect of the King for the inviolability of their territory, by a menace thrown out to Burnet, that he "might be taken out of their country, and cut up alive in England," in imitation of a supposed example in the reign of Elizabeth§;—a threat the more alarming because it was well known that the first part of such a project had been long entertained, and that attempts had already been made for its execution. Van Citters complained of this libel in vain: the King expressed wonder and indignation, that a complaint should be made of the publication of an universally acknowledged truth,—confounding the fact of resistance with the condemnation pronounced upon it by the opprobrious terms, which naturally imported and

* Johnstone, 6th Feb. MS.
† Id. 12th March. MS.
‡ 15th Feb.
§ Parliamentum Pacificum, p. 57.

were intended to affirm that the resistance was criminal.* Another pamphlet, called "A New Test of the Church of England's Loyalty,"† exposed with scurrility the inconsistency of the Church's recent independence with her long professions and solemn decrees of non-resistance, and hinted that "His Majesty would withdraw his royal protection, which was promised upon the account of her constant fidelity." Such menaces were very serious, at a moment when D'Abbeville, James's minister at the Hague, told the Prince of Orange, that "upon some occasions princes must forget their promises;" and being "reminded by William, that the King ought to have more regard to the Church of England, which was the main body of the nation," answered, "that the body called the 'Church of England' would not have a being in two years."‡

The great charter of conscience was now drawn up, in the form of a bill, and prepared to be laid before Parliament. It was entitled "An Act for granting of Liberty of Conscience, without imposing of Oaths and Tests." The preamble thanks the King for the exercise of his dispensing power, and recognises it as legally warranting his subjects to enjoy their religion and their offices during his reign: but, in order to perpetuate his pious and Christian bounty to his people, the bill proceeds to enact, that all persons professing Christ may assemble publicly or privately, without any license, for the exercise of their religious worship, and that all laws against nonconformity and recusancy, or exacting oaths, declarations, or tests, or imposing disabilities or penalties on religion, shall be repealed; and more especially in order "that his Majesty may not be debarred of the service of his subjects, which by the law of nature is inseparably

* Barillon, 19th April. MS.
† Somers' Tracts, vol. ix. p. 195.
‡ Burnet, vol. iii. p. 207.

annexed to his person, and over which no Act of Parliament can have any control, any further than he is pleased to allow of the same,"* it takes away the oaths of allegiance and supremacy, and the tests and declarations required by the 25th and 30th of the late king, as qualifications to hold office, or to sit in either House of Parliament. It was, moreover, provided that meetings for religious worship should be open and peaceable; that notice of the place of assembly should be given to a justice of the peace; that no seditious sermons should be preached in them; and that in cathedral and collegiate churches, parish churches, and chapels, no persons shall officiate but such as are duly authorised according to the Act of Uniformity, and no worship be used but what is conformable to the Book of Common Prayer therein established; for the observance of which provision, — the only concession made by the bill to the fears of the Establishment, — it was further enacted, that the penalties of the Act of Uniformity should be maintained against the contravention of that statute in the above respects. Had this bill passed into a law, and had such a law been permanently and honestly executed, Great Britain would have enjoyed the blessings of religious liberty in a degree unimagined by the statesmen of that age, and far surpassing all that she has herself gained during the century and a half of the subsequent progress of almost all Europe towards tolerant principles. But such projects were

* This language seems to have been intentionally equivocal. The words "allow of the same," may in themselves mean till he gives his royal assent to the Act. But in this construction the paragraph would be an unmeaning boast, since no bill can become an Act of Parliament till it receives the royal assent; and, secondly, it would be inconsistent with the previous recognition of the legality of the King's exercise of the dispensing power; Charles II. having given his assent to the Acts dispensed with. It must, therefore, be understood to declare, that Acts of Parliament disabling individuals from serving the public, restrain the King only till he dispenses with them.

examined by the nation with a view to the intention of their authors, and to the tendency of their provisions in the actual circumstances of the time and country; and the practical question was, whether such intention and tendency were not to relieve the minority from intolerance, but to lessen the security of the great majority against it. The speciousness of the language, and the liberality of the enactments, in which it rivalled the boldest speculations at that time hazarded by philosophers, were so contrary to the opinions, and so far beyond the sympathy, of the multitude, that none of the great divisions of Christians could heartily themselves adopt, or could prudently trust each other's sincerity in holding them forth: they were regarded not as a boon, but as a snare. From the ally of Louis XIV., three years after the persecution of the Protestants, they had the appearance of an insulting mockery; even though it was not then known that James had during his whole reign secretly congratulated that monarch on his barbarous measures.

The general distrust of the King's designs arose from many circumstances, separately too small to reach posterity, but, taken together, sufficient to entitle near observers to form an estimate of his character. When, about 1679, he had visited Amsterdam, he declared to the magistrates of that liberal and tolerant city, that he "never was for oppressing tender consciences." * The sincerity of these tolerant professions was soon after tried when holding a Parliament as Lord High Commissioner at Edinburgh, in 1681, he exhorted that assembly to suppress the conventicles, or, in other words, the religious worship of the majority of the Scottish people.† It being

* Account of James II.'s visit to Amsterdam, by William Carr, then English consul (said by mistake to be in 1631). Gentleman's Magazine, vol. lix. part 2. p. 659.

† Life of James II., vol. i. p. 694. The words of his speech are copied from his own MS. Memoirs.

difficult for the fiercest zealots to devise any new mode of persecution which the Parliament had not already tried, he was content to give the royal assent to an act confirmatory of all those edicts of blood already in force against the proscribed Presbyterians.* But very shortly after, when the Earl of Argyle, acting evidently from the mere dictates of conscience, added a modest and reasonable explanation to an oath required of him, which without it would have been contradictory, the Lord Commissioner caused that nobleman to be prosecuted for high treason, and to be condemned to death on account of his conscientious scruples.† To complete the evidence of his tolerant spirit, it is only necessary to quote one passage which he himself has fortunately preserved. He assures us that, in his confidential communication with his brother, he represented it as an act of "imprudence to have proposed in Parliament the repeal of the 35th of Elizabeth," ‡ — a statute almost as sanguinary as those Scottish acts which he had sanctioned. The folly of believing his assurances of equal toleration was at the time evinced by his appeal to those solemn declarations of a resolution to maintain the Edict of Nantz, with which Louis XIV. had accompanied each of his encroachments on it.

Where a belief prevailed that a law was passed without an intention to observe it, all scrutiny of its specific provisions became needless: — yet it ought to be remarked, that though it might be fair to indemnify those who acted under the dispensing power, the recognition of its legality was at least a wanton insult to the Constitution, and appeared to

* Acts of Parliament, vol. viii. p. 242.

† State Trials, vol. viii. p. 843. Wodrow, vol. i. pp. 205—217. — a narrative full of interest, and obviously written with a careful regard to truth. Laing, vol. iv. p. 125. — where the moral feelings of that upright and sagacious historian are conspicuous.

‡ Life of James II., vol. ii. p. 656., verbatim from the King's Memoirs.

betray a wish to reserve that power for further and more fatal measures. The dispensation which had been granted to the incumbent of Putney showed the facility with which such a prerogative might be employed to elude the whole proviso of the proposed bill in favour of the Established Church. It contained no confirmation of the King's promises to protect the endowments of the Protestant clergy; and instead of comprehending, as all wise laws should do, the means of its own execution, it would have facilitated the breach of its own most important enactments. If it had been adopted by the next Parliament, another still more compliant would have found it easier, instead of more difficult, to establish the Catholic religion, and to abolish toleration. This essential defect was confessed rather than obviated by the impracticable remedies recommended in a tract*, which, for the security of the great charter of religious liberty about to be passed, proposed "that every man in the kingdom should, on obtaining the age of twenty-one, swear to observe it; that no Peer or Commoner should take his seat in either House of Parliament till he had taken the like oath; and that all sheriffs, or others, making false returns, or Peers or Commoners, presuming to sit in either House without taking the oath, or who should move or mention any thing in or out of Parliament that might tend to the violating or altering the liberty of conscience, should be hanged on a gallows made out of the timber of his own house, which was for that purpose to be demolished." † It seems not to have occurred to this writer that the Parliament whom he thus proposes to restrain,

* A New Test instead of the Old One. By G. S. Licensed 24th March, 1688.

† The precedent alleged for this provision is the decree of Darius, for rebuilding the temple of Jerusalem — "And I have made a decree, that whoever shall alter this word, let timber be pulled down from his house, and being set up, let him be hanged thereon." Ezra, chap. vi. v. 11.

might have begun their operations by repealing his penal laws.

Notwithstanding the preparations for convening a Parliament, it was not believed, by the most discerning and well-informed, that any determination was yet adopted on the subject. Lord Nottingham early thought that, in case of a general election, "few Dissenters would be chosen, and that such as were, would not, *in present circumstances*, concur in the repeal of so much as the penal laws; because to do it might encourage the Papists to greater attempts."* Lord Halifax, at a later period, observes, "that the moderate Catholics acted reluctantly; that the Court, finding their expectations not answered by the Dissenters, had thoughts of returning to their old friends the High Churchmen; and that he thought a meeting of Parliament impracticable, and continued as much an unbeliever for October as he had before been for April." † In private, he mentioned, as one of the reasons of his opinion, that some of the courtiers had declined to take up a bet for five hundred pounds, which he had offered, that the Parliament would not meet in October; and that, though they liked him very little, they liked his money as well as any other man's.‡

The perplexities and variations of the Court were multiplied by the subtle and crooked policy of Sunderland, who, though willing to purchase his continuance in office by unbounded compliance, was yet extremely solicitous, by a succession of various projects and reasonings adapted to the circumstances of each moment, to divert the mind of James as long as possible from assembling Parliament, or entering on a

* Lord Nottingham to the Prince of Orange, 2d Sept. 1687. Dalrymple, app. to book v.

† Lord Halifax to the Prince of Orange, 12th April, 1688. Dalrymple, app. to book v.

‡ Johnstone, 27th Feb. MS.

foreign war, or committing any acts of unusual severity or needless insult to the Constitution, or undertaking any of those bold or even decisive measures, the consequences of which to his own power, or to the throne of his sovereign, no man could foresee. Sunderland had gained every object of ambition: he could only lose by change, and instead of betraying James by violent counsels, he appears to have better consulted his own interest, by offering as prudent advice to him as he could venture without the risk of incurring the royal displeasure. He might lose his greatness by hazarding too good counsel, and he must lose it if his master was ruined. Thus placed between two precipices, and winding his course between them, he could find safety only by sometimes approaching one, and sometimes the other. Another circumstance contributed to augment the seeming inconsistencies of the minister:—he was sometimes tempted to deviate from his own path by the pecuniary gratifications which, after the example of Charles and James, he clandestinely received from France;—an infamous practice, in that age very prevalent among European statesmen, and regarded by many of them as little more than forming part of the perquisites of office.* It will appear in the sequel that, like his master, he received French money only for doing what he otherwise desired to do; and that it rather induced him to quicken or retard, to enlarge or contract, than substantially to alter his measures. But though he was too prudent to hazard the power which produced all his emolument for a single gratuity, yet this dangerous practice must have multiplied the windings of his course; and from these deviations arose, in some measure, the fluctuating counsels and varying language of the Government of which he was the chief. The divisions of the Court, and the variety of tempers

* D'Avaux, passim. See Lettres de De Witt, vol. iv., and Ellis, History of the Iron Mask.

and opinions by which he was surrounded, added new difficulties to the game which he played. This was a more simple one at first, while he coalesced with the Queen and the then united Catholic party, and professed moderation as his sole defence against Rochester and the Protestant Tories; but after the defeat of the latter, and the dismissal of their chief, divisions began to show themselves among the victorious Catholics, which gradually widened as the moment of decisive action seemed to approach. It was then* that he made an effort to strengthen himself by the revival of the office of Lord Treasurer in his own person;—a project in which he endeavoured to engage Father Petre by proposing that Jesuit to be his successor as Secretary of State, and in which he obtained the co-operation of Sir Nicholas Butler, a new convert, by suggesting that he should be Chancellor of the Exchequer. The King, however, adhered to his determination that the treasury should be in commission notwithstanding the advice of Butler, and the Queen declined to interfere in a matter where her husband appeared to be resolute. It should seem, from the account of this intrigue by James himself, that Petre neither discouraged Sunderland in his plan, nor supported it by the exercise of his own ascendancy over the mind of the King.

In the spring of 1688, the Catholics formed three separate and unfriendly parties, whose favour it was not easy for a minister to preserve at the same time. The nobility and gentry of England were, as they continued to the last, adverse to those rash courses which honour obliged them apparently to support, but which they had always dreaded as dangerous to their sovereign and their religion. Lords Powis, Bellasis, and Arundel, vainly laboured to inculcate

* "A little before Christmas." Life of James II. vol. ii. p. 131.; passages quoted from James's Memoirs. The King's own Memoirs are always deserving of great consideration, and in unmixed cases of fact are, I am willing to hope, generally conclusive.

their wise maxims on the mind of James; while the remains of the Spanish influence, formerly so powerful among British Catholics, were employed by the ambassador, Don Pedro Ronquillo, in support of this respectable party. Sunderland, though he began, soon after his victory over Rochester, to moderate and temper the royal measures, was afraid of displeasing his impatient master by openly supporting them. The second party, which may be called the Papal, was that of the Nuncio, who had at first considered the Catholic aristocracy as lukewarm in the cause of their religion, but who, though he continued outwardly to countenance all domestic efforts for the advancement of the faith, became at length more hostile to the connection of James with France, than zealous for the speedy accomplishment of that Prince's ecclesiastical policy in England. To him the Queen seems to have adhered, both from devotion to Rome, and from that habitual apprehension of the displeasure of the House of Austria which an Italian princess naturally entertained towards the masters of Lombardy and Naples.* When hostility towards Holland was more openly avowed, and when Louis XIV., no longer content with acquiescence, began to require from England the aid of armaments and threats, if not co-operation in war, Sunderland and the Nuncio became more closely united, and both drew nearer to the more moderate party. The third, known by the name of the French or Jesuit party, supported by Ireland and the clergy, and possessing the personal favour and confidence of the King, considered all delay in the advancement of their religion as dangerous, and were devoted to France as the only ally able and willing to ensure the success of their designs. Emboldened by the preg-

* The King to Barillon, 2d June. MS. Louis heard of this partiality from his ministers at Madrid and Vienna, and desired Barillon to insinuate to her that neither she nor her husband had any thing to hope from Spain.

nancy of the Queen, and by so signal a mark of favour as the introduction of Father Petre into the Council, —an act of folly which the moderate Catholics would have resisted, if the secret had not been kept from them till the appointment *, — they became impatient of Sunderland's evasion and procrastination, especially of his disinclination to all hostile demonstrations against Holland. Their agent, Skelton, the British minister at Paris, represented the minister's policy to the French Government, as "a secret opposition to all measures against the interest of the Prince of Orange;" † and though Barillon acquits him of such treachery ‡, it would seem that from that moment he ceased to enjoy the full confidence of the French party.

It was with difficulty that at the beginning of the year Sunderland had prevailed on the majority of the Council to postpone the calling a Parliament till they should be strengthened by the recall of the English troops from the Dutch service §: and when, two months later, just before the delivery of the Queen, (in which they would have the advantage of the expectation of a Prince of Wales), the King and the majority of the Council declared for this measure, conformably to his policy of delaying decisive, and perhaps irretrievable steps, he again resisted it with success, on the ground that matters were not ripe, that it required much longer time to prepare the corporations, and that, if the Nonconformists in the Parliament should prove mutinous, an opposition so national would render the employment of any other

* The account of Petre's advancement by Dodd is a specimen of the opinion entertained by the secular clergy of the regulars, but especially of the Jesuits.

† The King to Barillon, 11th Dec. 1687. MS.

‡ Barillon to the King, 5th Jan. 1688. MS.

§ Johnstone, 16th Jan. MS. "Sidney believes that Sunderland has prevailed, after a great struggle, to dissuade the Council from a war or a Parliament."

means more hazardous.* Sunderland owed his support to the Queen, who, together with the Nuncio, protected him from the attack of Father Petre, who, after a considerable period of increasing estrangement, had now declared against him with violence.† In the meantime the French Government, which had hitherto affected impartiality in the divisions of the British Catholics, had made advances to Petre as he receded from Sunderland; while the former had, as long ago as January, declared in Council, that the King ought to be solicitous only for the friendship of France.‡ James now desired Barillon to convey the assurances of his high esteem for the Jesuit§; and the ambassador undertook to consider of some more efficacious proof of respect to him, agreeably to the King's commands.‖

Henceforward the power of Sunderland was seen to totter. It was thought that he himself saw that it could not, even with the friendship of the Queen, stand long, since the French ambassador had begun to trim, and the whole French party leant against him.¶ Petre, through whom Sunderland formerly had a hold on the Jesuit party, became now himself a formidable rival for power, and was believed to be so infatuated by ambition as to pursue the dignity of a cardinal, that he might more easily become prime minister of England.** At a later period, Barclay, the celebrated Quaker, boasted of having reconciled

* D'Adda, 12th March. MS. "Il y avaient beaucoup d'intrigues et de cabales de cour sur cela dirigées contre my Lord Sunderland: la reine le soutient, et il a emporté." Barillon, Mazure, Histoire de la Revolution, vol. ii. p. 399. — Shrewsbury to the Prince of Orange (communicating the disunion), 14th March, 1688. Dalrymple, app. to books v. and vi.

† Van Citters, 9th April. MS.

‡ Barillon, 2d Feb. MS.

§ The King to Barillon, 19th March. MS.

‖ Barillon, 29th March. MS.

¶ Johnstone, 12th March and 2d April. MS.

** Lettre au Roi, 1 Août, 1687, in the Depôt des Affaires Etrangères at Paris, not signed, but probably from Bonrepos.

Sunderland to Melfort, trusting that it would be the ruin of Petre*; and Sunderland then told the Nuncio that he considered it as the first principle of the King's policy to frame all his measures with a view to their reception by Parliament†;—a strong proof of the aversion to extreme measures to which he afterwards adhered. A fitter opportunity will present itself hereafter for relating the circumstances in which he demanded a secret gratuity from France, in addition to his pension from that Court of 60,000 livres yearly (2500*l.*); of the skill with which Barillon beat down his demands, and made a bargain less expensive to his Government; and of the address with which Sunderland claimed the bribe for measures on which he had before determined,—so that he might seem rather to have obtained it under false pretences, than to have been diverted by it from his own policy. It is impossible to trace clearly the serpentine course of an intriguing minister, whose opinions were at variance with his language, and whose craving passions often led him astray from his interest; but an attempt to discover it is necessary to the illustration of the government of James. In general, then, it seems to be clear that, from the beginning of 1687, Sunderland had struggled in secret to moderate the measures of the Government; and that it was not till the spring of 1688, when he carried that system to the utmost, that the decay of his power became apparent. As Halifax had lost his office by liberal principles, and Sunderland had outbidden Rochester for the King's favour, so Sunderland himself was now on the eve of being overthrown by the influence of Petre, at a time when no successor of specious pretensions presented himself. He seems to have made one attempt to recover strength, by remodelling the Cabinet Council. For a considerable time the Catholic counsellors had

* Clarendon, Diary, 23d June.
† D'Adda, 4th June. MS.

been summoned separately, together with Sunderland himself, on all confidential affairs, while the more ordinary business only was discussed in the presence of the Protestants—thus forming two Cabinets: one ostensible, the other secret. He now proposed to form them into one, in order to remove the jealousy of the Protestant counsellors, and to encourage them to promote the King's designs. To this united Cabinet the affairs of Scotland and Ireland were to be committed, which had been separately administered before, with manifest disadvantage to uniformity and good order. Foreign affairs, and others requiring the greatest secrecy, were still to be reserved to a smaller number. The public pretences for this change were specious: but the object was to curb the power of Petre, who now ruled without control in a secret cabal of his own communion and selection.*

The party which had now the undisputed ascendant were denominated "Jesuits," as a term of reproach, by the enemies of that famous society in the Church of Rome, as well as by those among the Protestant communions. A short account of their origin and character may facilitate a faint conception of the admiration, jealousy, fear, and hatred,—the profound submission or fierce resistance,—which that formidable name once inspired. Their institution originated in pure zeal for religion, glowing in the breast of Loyola, a Spanish soldier,—a man full of imagination and sensibility,—in a country where wars, rather civil than foreign, waged against unbelievers for ages, had rendered a passion for spreading the Catholic faith a national point of honour, and blended it with the pursuit of glory as well as with the memory of past renown. The legislative forethought of his successors gave form and order to the product of enthusiasm, and bestowed laws and institutions on their society

* D'Adda, 23d April. MS.

which were admirably fitted to its various ends.* Having arisen in the age of the Reformation, they naturally became the champions of the Church against her new enemies,—and in that also of the revival of letters, instead of following the example of the unlettered monks, who decried knowledge as the mother of heresy, they joined in the general movement of mankind; they cultivated polite literature with splendid success; they were the earliest and, perhaps, most extensive reformers of European education, which, in their schools, made a larger stride than it has done at any succeeding moment†; and, by the just reputation of their learning, as well as by the weapons with which it armed them, they were enabled to carry on a vigorous contest against the most learned impugners of the authority of the Church. Peculiarly subjected to the see of Rome by their constitution, they became ardently devoted to its highest pretensions, in order to maintain a monarchical power, the necessity of

* Originally consisting of seven men, the society possessed, at the end of the sixteenth century, 1500 colleges, and contained 22,000 avowed members. Parts of their constitution were allowed (by Paul III.) to be kept and to be altered, without the privity of the Pope himself. The simple institution of lay brethren, combined with the privilege of secrecy, afforded the means of enlisting powerful individuals, among whom Louis XIV. and James II. are generally numbered.

† "For education," says Bacon, within fifty years of the institution of the Order, "consult the schools of the Jesuits. Nothing hitherto tried in practice surpasses them." De Augment. Scient. lib. vi. cap. 4. "Education, that excellent part of ancient discipline, has been, in some sorts, revived of late times in the colleges of the Jesuits, of whom, in regard of this and of some other points of human learning and moral matters, I may say, 'Talis cum sis utinam noster esses.'" Advancement of Learning, book i. Such is the disinterested testimony of the wisest of men to the merit of the Jesuits, to the unspeakable importance of reforming education, and to the infatuation of those who, in civilised nations, attempt to resist new opinions by mere power, without calling in aid such a show of reason, if not the whole substance of reason, as cannot be maintained without a part of the substance.

which they felt for concert, discipline, and energy in their theological warfare.

While the nations of the Peninsula hastened with barbaric chivalry to spread religion by the sword in the newly explored regions of the East and West, the Jesuits alone, the great missionaries of that age, either repaired or atoned for the evils caused by the misguided zeal of their countrymen. In India they suffered martyrdom with heroic constancy.* They penetrated through the barrier which Chinese policy opposed to the entrance of strangers,—cultivating the most difficult of languages with such success as to compose hundreds of volumes in it; and, by the public utility of their scientific acquirements, obtained toleration, patronage, and personal honours, from that jealous government. The natives of America, who generally felt the comparative superiority of the European race only in a more rapid or a more gradual destruction, and to whom even the excellent Quakers dealt out little more than penurious justice, were, under the paternal rule of the Jesuits, reclaimed from savage manners, and instructed in the arts and duties of civilised life. At the opposite point of society they were fitted by their release from conventual life, and their allowed intercourse with the world, for the perilous office of secretly guiding the conscience of princes. They maintained the highest station as a religious body in the literature of Catholic countries. No other association ever sent forth so many disciples who reached such eminence in departments so various and unlike. While some of their number ruled the royal penitents at Versailles or the Escurial, others were teaching the use of the spade and the shuttle to the naked savages of Paraguay; a third body daily endangered their lives in an attempt to convert the Hindús to Christianity; a fourth carried on the controversy against the Reformers; a portion were at

* See the Lettres Edifiantes, &c.

liberty to cultivate polite literature; while the greater part continued to be employed either in carrying on the education of Catholic Europe, or in the government of their society, and in ascertaining the ability and disposition of the junior members, so that well-qualified men might be selected for the extraordinary variety of offices in their immense commonwealth. The most famous constitutionalists, the most skilful casuists, the ablest schoolmasters, the most celebrated professors, the best teachers of the humblest mechanical arts, the missionaries who could most bravely encounter martyrdom, or who, with most patient skill, could infuse the rudiments of religion into the minds of ignorant tribes or prejudiced nations, were the growth of their fertile schools. The prosperous administration of such a society for two centuries, is probably the strongest proof afforded from authentic history, that an artificially-formed system of government and education is capable, under some circumstances, of accomplishing greater things than the general experience of it would warrant us in expecting.

Even here, however, the materials were supplied, and the first impulse given, by enthusiasm; and in this memorable instance the defects of such a system are discoverable. The whole ability of the members being constantly, exclusively, and intensely directed to the various purposes of their Order, their minds had not the leisure, or liberty, necessary for works of genius, or even for discoveries in science,—to say nothing of the original speculations in philosophy which are interdicted by implicit faith. That great society, which covered the world for two hundred years, has no names which can be opposed to those of Pascal and Racine, produced by the single community of Port Royal, persecuted as it was during the greater part of its short existence. But this remarkable peculiarity amounts perhaps to little more than that they were more eminent in active than in contemplative life. A far more serious objection is the

manifest tendency of such a system, while it produces the precise excellencies aimed at by its mode of cultivation, to raise up all the neighbouring evils with a certainty and abundance,—a size and malignity,—unknown to the freer growth of nature. The mind is narrowed by the constant concentration of the understanding; and those who are habitually intent on one object learn at last to pursue it at the expense of others equally or more important. The Jesuits, the reformers of education, sought to engross it, as well as to stop it at their own point. Placed in the front of the battle against the Protestants, they caught a more than ordinary portion of that theological hatred against their opponents which so naturally springs up where the greatness of the community, the fame of the controversialist, and the salvation of mankind seem to be at stake. Affecting more independence in their missions than other religious orders, they were the formidable enemies of episcopal jurisdiction, and thus armed against themselves the secular clergy, especially in great Britain, where they were the chief missionaries. Entrusted with the irresponsible guidance of kings, they were too often betrayed into a compliant morality,—excused probably to themselves, by the great public benefits which they might thus obtain, by the numerous temptations which seemed to palliate royal vices, and by the real difficulties of determining, in many instances, whether there was more danger of deterring such persons from virtue by unreasonable austerity, or of alluring them into vice by unbecoming relaxation. This difficulty is indeed so great that casuistry has, in general, vibrated between these extremes, rather than rested near the centre. To exalt the Papal power they revived the scholastic doctrine of the popular origin of government,—that rulers might be subject to the people, while the people themselves, on all questions so difficult as those which relate to the limits of obedience, were to listen with reverential submission to the

judgment of the Sovereign Pontiff, the common pastor of sovereigns and subjects, and the unerring oracle of humble Christians in all cases of perplexed conscience.* The ancient practice of excommunication, which, in its original principle, was no more than the expulsion from a community of an individual who did not observe its rules, being stretched so far as to interdict intercourse with offenders, and, by consequence, to suspend duty towards them, became, in the middle age, the means of absolving nations from obedience to excommunicated sovereigns.† Under these specious colours both Popes and Councils had been guilty of alarming encroachments on the civil authority. The Church had, indeed, never solemnly adopted the principle of these usurpations into her rule of faith or of life, though many famous doctors gave them a dangerous countenance; but she had not condemned or even disavowed those equally celebrated divines who resisted them: and though the Court of Rome undoubtedly patronised opinions so favourable to its power, the Catholic Church, which had never pronounced a collective judgment on them, was still at liberty to disclaim them, without abandoning her haughty claim of exemption from fundamental error.‡

On the Jesuits, as the most staunch of the polemics who struggled to exalt the Church above the State,

* It is true that Mariana (De Rege et Regis Institutione) only contends for the right of the people to depose sovereigns, without building the authority of the Pope on that principle, as the schoolmen have expressly done; but his manifest approbation of the assassination of Henry III. by Clement, a fanatical partizan of the League, sufficiently discloses his purpose. See La Mennais, La Religion considérée dans ses Rapports avec l'Ordre politique. (Paris, 1826.)

† Fleury, Discours sur l'Histoire Ecclesiastique, No. iii. sect. 18.

‡ "Il est vrai que Gregoire VII. n'a jamais fait aucune décision sur ce point. *Dieu ne l'a pas permis.*" Ibid. It is evident that if such a determination had, in Fleury's opinion, subsequently been pronounced by the Church, the last words of this passage would have been unreasonable.

and who ascribed to the Supreme Pontiff an absolute power over the Church, the odium of these doctrines principally fell.* Among Reformed nations, and especially in Great Britain, the greatest of them, the whole Order were regarded as incendiaries who were perpetually plotting the overthrow of all Protestant governments, and as immoral sophists who employed their subtle casuistry to silence the remains of conscience in tyrants of their own persuasion. Nor was the detestation of Protestants rewarded by general popularity in Catholic countries: all other regulars envied their greatness; the universities dreaded their acquiring a monopoly of education; while monarchs the most zealously Catholic, though they often favoured individual Jesuits, looked with fear and hatred on a society which would reduce them to the condition of vassals of the priesthood. In France, the magistrates, who preserved their integrity and dignity in the midst of general servility, maintained a more constant conflict with these formidable adversaries of the independence of the State and the Church. The Kings of Spain and Portugal envied their well-earned authority, in the missions of Paraguay and California, over districts which they had conquered from the wilderness. The impenetrable mystery in which a part of their constitution was enveloped, though it strengthened their association, and secured the obedience of its members, was an irresistible temptation to abuse power, and justified the apprehensions of temporal sovereigns, while it opened an unbounded scope for heinous accusations. Even in the eighteenth century, when many of their peculiarities had become faint, and when they were perhaps little more than the most accomplished, opulent, and powerful of religious orders, they were

* Bayle, Dictionnaire Historique, &c., article "Bellarmine — who is said by that unsuspected judge to have had the best pen for controversy of any man of that age.

charged with spreading secret confraternities over France.* The greatness of the body became early so invidious as to be an obstacle to the advancement of their members; and it was generally believed that if Bellarmine had belonged to any other than the most powerful Order in Christendom, he would have been raised to the chair of Peter.† The Court of Rome itself, for whom they had sacrificed all, dreaded auxiliaries so potent that they might easily become masters; and these champions of the Papal monarchy were regarded with jealousy by Popes whose policy they aspired to dictate or control. But temporary circumstances at this time created a more than ordinary alienation between them.

In their original character of a force raised for the defence of the Church against the Lutherans, the Jesuits always devoted themselves to the temporal sovereign who was at the head of the Catholic party. They were attached to Philip II., at the time when Sextus V. dreaded his success; and they now placed their hopes on Louis XIV., in spite of his patronage, for a time, of the independent maxims of the Gallican Church.‡ On the other hand, Odeschalchi, who governed the Church under the name of Innocent XI., feared the growing power of France, resented the independence of the Gallican Church, and was, to the last degree, exasperated by the insults offered to him in his capital by the command of Louis. He was born in the Spanish province of Lombardy, and, as an Italian sovereign, he could not be indifferent to

* Montlosier, Mémoire à consulter (Paris, 1826), pp. 20. 22., — quoted only to prove that such accusations were made.

† Bayle, article "Bellarmine."

‡ Bayle, Nouvelles de la République des Lettres, April, 1686. "Aujourd'hui plus attachés à la France qu'à l'Espagne." Ibid. Nov. They were charged with giving secret intelligence to Louis XIV. of the state of the Spanish Netherlands. The French Jesuits suspended for a year the execution of the Pope's order to remove Father Maimbourg from their society, in consequence of a direction from the King.

the bombardment of Genoa, and to the humiliation of that respectable republic, in the required public submission of the Doge at Versailles. As soon then as James became the pensioner and creature of Louis, the resentments of Odeschalchi prevailed over his zeal for the extension of the Church. The Jesuits had treated him and those of his predecessors who hesitated between them and their opponents with offensive liberty*; but while they bore sway at Versailles and St. James's, they were, on that account, less obnoxious to the Roman Court. Men of wit remarked at Paris, that things would never go on well till the Pope became a Catholic, and King James a Huguenot.† Such were the intricate and dark combinations of opinions, passions, and interests which placed the Nuncio in opposition to the most potent Order of the Church, and completed the alienation of the British nation from James, by bringing on the party which now ruled his councils the odious and terrible name of Jesuits.

* Ibid., Oct. and Nov.

† "Le chevalier de Silleri,
En parlant de ce Pape-ci,
Souhaitoit, pour la paix publique,
Qu'il se fût rendu Catholique,
Et le roi Jacques Huguenot."
La Fontaine to the Duc de Vendome.

Racine (Prologue to Esther) expresses the same sentiments in a milder form: —

"Et l'enfer, couvrant tout de ses vapeurs funèbres,
Sur les yeux les plus saints a jeté les ténèbres."

CHAPTER VIII.

DECLARATION OF INDULGENCE RENEWED.—ORDER THAT IT SHOULD BE READ IN CHURCHES.—DELIBERATIONS OF THE CLERGY.—PETITION OF THE BISHOPS TO THE KING.—THEIR EXAMINATION BEFORE THE PRIVY COUNCIL.—COMMITTAL, TRIAL, AND ACQUITTAL.—REFLECTIONS.—CONVERSION OF SUNDERLAND.—BIRTH OF THE PRINCE OF WALES.—STATE OF AFFAIRS.

WHEN the changes in the secret councils of the King had rendered them most irreconcileable to the national sentiments, and when the general discontent produced by progressive encroachment had quietly grown into disaffection, nothing was wanting to the least unfortunate result of such an alienation, but that an infatuated Government should exhibit to the public thus disposed one of those tragic spectacles of justice violated, of religion menaced, of innocence oppressed, of unarmed dignity outraged, with all the conspicuous solemnities of abused law, in the persons of men of exalted rank and venerated functions who encounter wrongs and indignities with mild intrepidity. Such scenes, performed before a whole nation, revealed to each man the hidden thoughts of his fellow citizens, added the warmth of personal feeling to the strength of public principle, animated patriotism by the pity and indignation which the sufferings of good men call forth, and warmed every heart by the reflection of the same passions from the hearts of thousands; until at length the enthusiasm of a nation, springing up in the bosoms of the generous and brave, breathed a momentary spirit into the most vulgar souls, and dragged into its service the herd of the selfish, the cold, the mean, and the cowardly. The combustibles were accumulated; a spark was only wanting to kindle the flame. Accidents in themselves trivial, seem on this occasion, as in other times and countries, to have filled up the

measure of provocation. In such a government as that of James, formed of adverse parties, more intent on weakening or supplanting each other than on securing their common foundation, every measure was too much estimated by its bearing on these unavowed objects, to allow a calm consideration of its effect on the interest or even on the temper of the public.

On the 27th of April, the King republished his Declaration of the former year for Liberty of Conscience;—a measure, apparently insignificant*, which was probably proposed by Sunderland, to indulge his master in a harmless show of firmness, which might divert him from rasher councils.† To this Declaration a supplement was annexed, declaring, that the King was confirmed in his purpose by the numerous addresses which had assured him of the national concurrence; that he had removed all civil and military officers who had refused to co-operate with him; and that he trusted that the people would do their part, by the choice of fit members to serve in Parliament, which he was resolved to assemble in November "at farthest." This last, and only important part of the Proclamation, was promoted by the contending parties in the Cabinet with opposite intentions. The moderate Catholics, and Penn, whose fault was only an unseasonable zeal for a noble principle, desired a Parliament from a hope, that if its convocation were not too long delayed, it might produce a compromise, in which the King might for the time be contented with an universal toleration of worship. The Jesuitical party also desired a Parliament; but it was because they hoped that it would produce a final rupture, and a recurrence to those more vigorous means which the age of the King now re-

* "The Declaration, so long spoken of, is published. As nothing is said more than last year, politicians cannot understand the reason of so ill-timed a measure." Van Citters, 11th May. (Secret Despatch.) MS.

† Barillon, 6th May. MS.

quired, and the safety of which the expected birth of a Prince of Wales appeared to warrant.*. Sunderland acquiesced in the insertion of this pledge, because he hoped to keep the violent in check by the fear of the Parliament, and partly, also, because he by no means had determined to redeem the pledge. "This language is held," said he to Barillon (who was alarmed at the sound of a Parliament), "rather to show, that Parliament will not meet for six months, than that it will be then assembled, which must depend on the public temper at that time."† For so far, it seems, did this ingenious statesman carry his system of liberal interpretation, that he employed words in the directly opposite sense to that in which they were understood. So jarring were the motives from which this Declaration proceeded, and so opposite the constructions of which its authors represented it to be capable. Had no other step, however, been taken but the publication, it is not probable that it would have been attended by serious consequences.

But in a week afterwards, an Order was made by the King in Council, commanding the Declaration to be read at the usual time of divine service, in all the churches in London on the 20th and 27th of May, and in all those in the country on the 3d and 10th of June.‡ Who was the adviser of this Order, which has acquired such importance from its immediate effects, has not yet been ascertained. It was publicly disclaimed by Sunderland §, but at a time which would have left no value to his declaration, but what it might derive from being uncontradicted; and it was agreeable to the general tenor of his policy. It now appears, however,

* Burnet, vol. iii. p. 211.

† Barillon, 13th May. MS.

‡ Letter from the Hague, 28th March, 1689. MS.

§ Johnstone, 23d May. MS. "Sunderland, Melfort, Penn, and, *they say*, Petre, deny having advised this Declaration." But Van Citters (25th May), says that Petre is believed to have advised the order.

that he and other counsellors disavowed it at the time; and they seem to have been believed by keen and watchful observers. Though it was then rumoured that Petre had also disavowed this fatal advice, the concurrent testimony of all contemporary historians ascribe it to him; and it accords well with the policy of that party, which received in some degree from his ascendant over them the unpopular appellation of Jesuits. It must be owned, indeed, that it was one of the numerous cases in which the evil effects of an imprudent measure proved far greater than any foresight could have apprehended. There was considerable reason for expecting submission from the Church.

The clergy had very recently obeyed a similar order in two obnoxious instances. In compliance with an Order made in Council by Charles II. (officiously suggested to him, it is said, by Sancroft himself)*, they had read from their pulpits that Prince's apology for the dissolution of his two last Parliaments, severally arraigning various Parliamentary proceedings, and among others a Resolution of the House of Commons against the persecution of the Protestant Dissenters.† The compliance of the clergy on this occasion was cheerful, though they gave offence by it to many of the people.‡ Now, this seemed to be an open interference of the ecclesiastical order in the fiercest contests of political parties, which the duty of undistinguishing obedience alone could warrant.§ The

* Burnet, vol. iii. p. 212.

† London Gazette, 7th—11th April, 1681.

‡ Kennet, History, vol. iii. p. 388. Echard, History of England, vol. iii. p. 625.

§ It was accompanied by a letter from the King to Sancroft, which seems to imply a previous usage in such cases. "Our will is, that you give such directions as have been usual in such cases for the reading of our said Declaration." Kennet, suprà. Note from Lambeth MSS. D'Oyley, Life of Sancroft, vol. i. p. 253. "Now," says Ralph (vol. i. p. 590.), "the cry of Church and King was echoed from one side of the kingdom to the other." Imme-

same principle appears still more necessary to justify their reading the Declaration of Charles on the Rye House Plot *, published within a week of the death of Lord Russell; when it was indecent for the ministers of religion to promulgate their approval of bloodshed, and unjust to inflame prejudice against those who remained to be tried. This Declaration had been immediately preceded by the famous decree of the University of Oxford, and had been followed by a persecution of the Nonconformists, on whom it reflected as the authors of the supposed conspiracy. † These examples of compliance appeared to be grounded on the undefined authority claimed by the King, as supreme ordinary, on the judicial determinations, which recognised his right in that character to make ordinaries for the outward rule of the Church ‡, and on the rubric of the Book of Common Prayer (declared, by the Act of Uniformity §, to be a part of that statute), which directs, "that nothing shall be published in church by the minister, but what is prescribed by this book, or enjoined by the King." These reasonings and examples were at least sufficient to excuse the confidence with which some of the Royal advisers anticipated the obedience either of the whole Church, or of so large a majority as to make it safe and easy to punish the disobedient.

A variation from the precedents of a seemingly slight and formal nature seems to have had some effect on the success of the measure. The bishops were now, for the first time, commanded by the Order published in the Gazette to distribute the Declaration in their dioceses, in order to its being read by the

diately after began the periodical libels of L'Estrange and the invectives against Parliament, under the form of loyal addresses.

* London Gazette, 2d—6th August, 1683. Kennet, vol. iii. p. 408. Echard, vol. iii. p. 695.

† This fact is reluctantly admitted by Roger North. Examen, p. 369.

‡ Cro. Jac. p. 37.

§ 14 Car. II. chap. 4.

clergy. Whether the insertion of this unusual clause was casual, or intended to humble the bishops, it is now difficult to conjecture: it was naturally received and represented in the most offensive sense.* It fixed the eyes of the whole nation on the prelates, rendering the conduct of their clergy visibly dependent solely on their determination, and thus concentrating, on a small number, the dishonour of submission which would have been lost by dispersion among the whole body. So strongly did the belief that insult was intended prevail, that Petre, to whom it was chiefly ascribed, was said to have declared it in the gross and contumelious language used of old, by a barbarous invader, to the deputies of a besieged city.† But though the menace be imputed to him by most of his contemporaries ‡, yet, as they were all his enemies, and as no ear-witness is quoted, we must be content to be doubtful whether he actually uttered the offensive words, or was only so generally imprudent as to make it easily so believed.

The first effect of this Order was to place the prelates who were then in the capital or its neighbourhood in a situation of no small perplexity. They must have been still more taken by surprise than the more moderate ministers; and, in that age, of slow conveyance and rare publication, they were allowed only sixteen days from the Order, and thirteen from its official publication §, to ascertain the sen-

* Van Citters, 15th—25th May. MS. One of the objections was, that the Order was not transmitted in the usual and less ostentatious manner, through the Primate, as in 1681.

† Rabshekah, the Assyrian general, to the officers of Hezekiah, 2 Kings, xviii. 27.

‡ Burnet, Echard, Oldmixon, Ralph. The earliest printed statement of this threat is probably in a pamphlet, called "An Answer from a Country Clergyman to the Letter of his Brother in the City" (Dr. Sherlock), which must have been published in June, 1688. Baldwin's Farther State Tracts, p. 314. (London, 1692.)

§ London Gazette, 7th April.

timents of their brethren and of their clergy, without the knowledge of which their determination, whatever it was, might promote that division which it was one of the main objects of their enemies, by this measure, to excite. Resistance could be formidable only if it were general. It is one of the severest tests of human sagacity to call for instantaneous judgment from a few leaders when they have not support enough to be assured of the majority of their adherents. Had the bishops taken a single step without concert, they would have been assailed by charges of a pretension to dictatorship, — equally likely to provoke the proud to desertion, and to furnish the cowardly with a pretext for it. Their difficulties were increased by the character of the most distinguished laymen whom it was fit to consult. Rochester was no longer trusted: Clarendon was zealous, but of small judgment: and both Nottingham, the chief of their party, and Halifax, with whom they were now compelled to coalesce, hesitated at the moment of decision.*

The first body whose judgment was to be ascertained was the clergy of London, among whom were, at that time, the lights and ornaments of the Church. They at first ventured only to converse and correspond privately with each other.† A meeting became necessary, and was hazarded. A diversity of opinions prevailed. It was urged on one side that a refusal was inconsistent with the professions and practice of the Church; that it would provoke the King to desperate extremities, expose the country to civil confusions, and be represented to the Dissenters as a proof of the incorrigible intolerance o the Establishment; that the reading of a Proclamation implied no assent to its contents; and that it would be presumption in the clergy to pronounce a judgment

* "Halifax and Nottingham wavered at first, which had almost ruined the business." Johnstone, 27th May. MS.

† Van Citters, 28th May. (Secret Despatch.) MS.

against the legality of the Dispensing Power, which the competent tribunal had already adjudged to be lawful. Those of better spirit answered, or might have answered, that the danger of former examples of obsequiousness was now so visible that they were to be considered as warnings rather than precedents; that compliance would bring on them command after command, till at last another religion would be established; that the reading, unnecessary for the purpose of publication, would be understood as an approval of the Declaration by the contrivers of the Order, and by the body of the people; that the Parliamentary condemnations of the Dispensing Power were a sufficient reason to excuse them from a doubtful and hazardous act; that neither conscience nor the more worldly principle of honour would suffer them to dig the grave of the Protestant Church, and to desert the cause of the nobility, the gentry, and the whole nation; and finally, that in the most unfavourable event, it was better to fall then under the King's displeasure, when supported by the consolation of having fearlessly performed their duty, than to fall a little later unpitied and despised, amidst the curses of that people whom their compliance had ruined. From such a fall they would rise no more.* One of those middle courses was suggested which is very apt to captivate a perplexed assembly: — it was proposed to gain time, and smooth a way to a compromise, by entreating the King to revert to the ancient methods of communicating his commands to the Church. The majority appeared at first to lean towards submission, or evasion, which was only disguised and deferred submission; when, happily, a decisive answer was produced to the most plausible argument of the compliant party. Some of the chief ministers and laymen among the Nonconformists earnestly besought

* Sherlock's "Letter from a Gentleman in the City to a Friend in the Country." Baldwin, p. 309.

the clergy not to judge them by a handful of their number who had been gained by the Court, but to be assured that, instead of being alienated from the Church, they would be drawn closer to her, by her making a stand for religion and liberty.* A clergyman present read a note of these generous declarations, which he was authorised by the Nonconformists to exhibit to the meeting. The independent portion of the clergy made up, by zeal and activity, for their inferiority in numbers. Fatal concession, however, seemed to be at hand, when the spirit of an individual, manifested at a critical moment, contributed to rescue his order from disgrace, and his country from slavery. This person, whose fortunate virtue has hitherto remained unknown, was Dr. Edward Fowler, then incumbent of a parish in London, who, originally bred a Dissenter, had been slow to conform at the Restoration, was accused of the crime of Whiggism† at so dangerous a period as that of Monmouth's riot, and, having been promoted to the see of Gloucester, combined so much charity with his unsuspected orthodoxy as to receive the last breath of Firmin, the most celebrated Unitarian of that period.‡ When Fowler perceived that the courage of his brethren faltered, he addressed them shortly:—"I must be plain. There has been argument enough: more only will heat us. Let every man now say 'Yea' or 'Nay.' I shall be sorry to give occasion to schism, but I cannot in conscience read the Declaration; for that reading would be an exhortation to my people to obey commands which I deem unlawful." Stillingfleet declared, on the authority of lawyers, that reading the Declaration would be an offence, as the publication of an unlawful document; but excused himself from being the first subscriber to an

* Johnstone, 18th May, MS.
† Athenæ Oxonienses, vol. ii. p. 1029.
‡ Birch, Life of Tillotson, p. 320.

agreement not to comply, on the ground that he was already proscribed for the prominent part which he had taken in the controversy against the Romanists. Patrick offered to be the first, if any man would second him; and Fowler answered to the appeal which his own generosity had called forth.* They were supported by Tillotson, though only recovering from an attack of apoplexy, and by Sherlock, who then atoned for the slavish doctrines of former times. The opposite party were subdued by this firmness, declaring that they would not divide the Church†: and the sentiments of more than fourscore of the London clergy ‡ were made known to the Metropolitan.

At a meeting at Lambeth, on Saturday, the 12th of May, where there were present, besides Sancroft himself, only the Earl of Clarendon, three bishops, Compton, Turner, and White, together with Tenison, it was resolved not to read the Declaration, to petition the King that he would dispense with that act of obedience, and to entreat all the prelates within reach of London, to repair thither to the aid of their brethren.§ It was fit to wait a short time for the concurrence of these absent bishops. Lloyd of St. Asaph, late of Chichester, Ken of Bath and Wells, and Trelawney, quickly complied with the summons; and were present at another and more decisive meeting at the archiepiscopal palace on Friday, the 18th, where, with the assent of Tillotson, Stillingfleet, Patrick, Tenison, Grove, and Sherlock, it was resolved, that a Petition, prepared and written by Sancroft, should be forthwith presented to His Majesty. It is a calumny against the memory of these prelates to assert, that they postponed their determination till

* Kennet, vol. iii. p. 570., note. This narrative reconciles Johnstone, Van Citters, and Kennet.

† Johnstone, 23d May. MS.

‡ This victory was early communicated to the Dutch ambassador. Van Citters, 25th May. MS.

§ Clarendon, 12th May.

within two days of the Sunday appointed for reading the Declaration, in order to deprive the King of time to retire from his purpose with dignity or decency: for we have seen that the period since the publication of the Order was fully occupied by measures for concert and co-operation; and it would have been treachery to the Church and the kingdom to have sacrificed any portion of time so employed to relieve their most formidable enemy.* The Petition, after setting forth that "their averseness to read the King's Declaration arose neither from want of the duty and obedience which the Church of England had always practised, nor from want of tenderness to Dissenters, to whom they were willing to come to such a temper as might be thought fit in Parliament and Convocation, but because it was founded in a Dispensing Power declared illegal in Parliament; and that they could not in prudence or conscience make themselves so far parties to it as the publication of it in the church at the time of divine service must amount to in common and reasonable construction," concludes, by "humbly and earnestly beseeching His Majesty not to insist on their distributing and reading the said Declaration." It is easy to observe the skill with

* Life of James II., vol. ii. p. 158. But this is the statement, not of the King, but of Mr. Dicconson, the compiler, who might have been misled by the angry traditions of his exiled friends. A week is added to the delay, by referring the commencement of it to the Declaration of the 27th of April, instead of the Order of the 4th of May, which alone called on the bishops to deliberate. The same suppression is practised, and the same calumny insinuated, in "An Answer to the Bishops' Petition," published at the time. Somers' Tracts, vol. ix. p. 119. In the extract made, either by Carte or Macpherson, an insinuation against the Bishops is substituted for the bold charge made by Dicconson. "The bishops' petition on the 18th of May, against what they are to read on the 20th." (Macpherson, Original Papers, vol. i. p. 151.) But as throughout that inaccurate publication no distinction is made between what was written by James and what was added by his biographer, the disgrace of the calumnious insinuation is unjustly thrown on the King's memory.

which the Petition distinguished the case from the two recent examples of submission, in which the Royal declarations, however objectionable, contained no matter of questionable legality. Compton, being suspended, did not subscribe the petition; and Sancroft, having had the honour to be forbidden the Court nearly two years, took no part in presenting it. Nor was it thought proper that the private divines, who were the most distinguished members of the meeting, should attend the presentation.

With no needless delay, six Bishops proceeded to Whitehall about ten o'clock in the evening, — no unusual hour of audience at the accessible courts of Charles and James. They were remarked, as they came from the landing-place, by the watchful eyes of the Dutch ambassador *, who was not uninformed of their errand. They had remained at the house of Lord Dartmouth, till Lloyd of St. Asaph, the boldest of their number, should ascertain when and where the King would receive them. He requested Lord Sunderland to read the Petition, and to acquaint the King with its contents, that his Majesty might not be surprised at it. The wary minister declined, but informed the King of the attendance of the Bishops, who were then introduced into the bedchamber.† When they had knelt down before the monarch, St. Asaph presented the Petition, purporting to be that "of the Archbishop of Canterbury, with divers suffragan bishops of his province, in behalf of themselves and several of their absent brethren, and of the clergy of their respective dioceses." The King, having been told by the Bishop of Chester, that they would desire no more than a recurrence to the former practice of sending Declarations to chancellors and archdeacons ‡,

* Van Citters, 28th May. MS.

† Gutch, Collectanea Curiosa, vol. i. p. 335. Clarendon, State Papers, vol. i. p. 287., and D'Oyley, vol. i. p. 263.

‡ Burnet, vol. iii. p. 216.

desired them to rise, and received them at first graciously, saying, on opening the Petition, "This is my Lord of Canterbury's handwriting;" but when he read it over, and after he had folded it up, he spoke to them in another tone*:—"This is a great surprise to me. Here are strange words. I did not expect this from you. This is a standard of rebellion." St. Asaph replied, "We have adventured our lives for Your Majesty, and would lose the last drop of our blood rather than lift up a finger against you." The King continued:—"I tell you this is a standard of rebellion. I never saw such an address." Trelawney of Bristol, falling again on his knees, said, "Rebellion, Sir! I beseech your Majesty not to say any thing so hard of us. For God's sake, do not believe we are or can be guilty of rebellion." It deserves remark, that the two who uttered these loud and vehement protestations were the only prelates present who were conscious of having harboured projects of more decisive resistance. The Bishops of Chichester and Ely made professions of unshaken loyalty, which they afterwards exemplified. The Bishop of Bath and Wells pathetically and justly said, "Sir, I hope you will give that liberty to us, which you allow to all mankind." He piously added, "We will honour the King, but fear God." James answered at various times, "It tends to rebellion. Is this what I have deserved from the Church of England? I will remember you who have signed this paper. I will keep this paper: I will not part with it. I did not expect this from you, especially from some of you. I will be obeyed." Ken, in the spirit of a martyr, answered only with a humble voice,

* "S. M. rispose loro con ardezza." D'Adda, 30th May; or, as the same circumstance was viewed by another through a different medium,—"The King answered very disdainfully, and with the utmost anger." Van Citters, 1st June. The mild Evelyn (Diary, 18th May) says, "the King was so incensed, that, with threatening language, he commanded them to obey at their peril."

"God's will be done." The angry monarch called out, "What's that?" The Bishop, and one of his brethren, repeated what had been said. James dismissed them with the same unseemly, unprovoked, and incoherent language:—"If I think fit to alter my mind, I will send to you. God has given me this Dispensing Power, and I will maintain it. I tell you, there are seven thousand men, and of the Church of England too, that have not bowed the knee to Baal." Next morning, when on his way to chapel, he said to the Bishop of St. David's, "My Lord, your brethren presented to me, yesterday, the most seditious paper that ever was penned. It is a trumpet of rebellion." He frequently repeated what Lord Halifax said to him,—"Your father suffered for the Church, not the Church for him." *

The Petition was printed and circulated during the night, certainly not by the Bishops, who delivered to the King their only copy, written in the hand of Sancroft, for the express purpose of preventing publication,—probably, therefore, by some attendant of the Court, for lucre or from disaffection. In a few days, six other prelates † had declared their concurrence in the Petition; and the Bishop of Carlisle agreed to its contents, lamenting that he could not subscribe it, because his diocese was not in the province of Canterbury ‡: two others agreed to the measure of not reading. § The archbishopric of York had now been kept vacant for Petre more than two years; and the vacancy which delivered Oxford from Parker had not yet been filled up. Lloyd of Bangor, who died a few months afterwards, was probably prevented by age and infirmities from taking any part in this transaction. The see of Lichfield, though not

* Van Citters, 1st June. MS.

† London, Norwich, Gloucester, Salisbury, Winchester, and Exeter. D'Oyley, vol. i. p. 269.

‡ Gutch, vol. i. p. 334.

§ Llandaff and Worcester. Gutch, vol. i. p. 331.

vacant, was deserted by Wood, who (having been appointed by the Duchess of Cleveland, in consequence of his bestowing his niece, a rich heiress, of whom he was guardian, on one of her sons *), had openly and perpetually abandoned his diocese: for this he had been suspended by Sancroft, and though restored on submission, had continued to reside at Hackney, without professing to discharge any duty, till his death. Sprat, who would have honoured the episcopal dignity by his talents, if he had not earned it by a prostitution of them †, Cartwright, who had already approved himself the ready instrument of lawless power against his brethren, Crewe, whose servility was rendered more conspicuously disgraceful by birth and wealth, Watson, who, after a long train of offences, was at length deprived of his see, together with Croft, in extreme old age, and Barlow, who had fallen into second childhood, were, since the death of Parker, the only faithless members of an episcopal body, which in its then incomplete state amounted to twenty-two.

On Sunday, the 20th, the first day appointed for reading the Declaration in London, the Order was generally disobeyed; though the administration of the diocese during the suspension of the bishop was placed in the perfidious hands of Sprat and Crewe. Out of a hundred, the supposed number of the London clergy at that time, seven were the utmost who are, by the largest account, charged with submission.‡ Sprat himself chose to officiate as Dean in Westminster Abbey, where, as soon as he gave orders for the reading, so great a murmur arose that nobody could hear it; and, before it was finished, no one was left in the

* Kennet in Lansdowne MSS. in the British Museum. D'Oylcy, vol. i. p. 193.

† Narrative of the Rye House Plot.

‡ "La lettura non se essequì che in pochissimi luoghi." D'Adda, 30th May. MS. Clarendon states the number to be four; Kennet and Burnet, seven. Perhaps the smaller number refers to parochial clergy, and the larger to those of every denomination.

church but a few prebendaries, the choristers, and the Westminster scholars. He, himself, could hardly hold the Proclamation in his hands for trembling.* Even in the chapel at Whitehall, it was read by a chorister.† At Serjeants' Inn, on the Chief Justice desiring that it should be read, the clerk said that he had forgotten it.‡ The names of four complying clergymen only are preserved,—Elliott, Martin, Thomson, and Hall,—who, obscure as they were, may be enumerated as specimens of so rare a vice as the sinister courage which, for base ends, can brave the most generous feelings of all the spectators of their conduct. The temptation on this occasion seems to have been the bishopric of Oxford; in the pursuit of which, Hall, who had been engaged in negotiations with the Duchess of Portsmouth for the purchase of Hampden's pardon §, by such connections and services prevailed over his competitors. On the following Sunday the disobedience was equally general; and the new reader at the Chapel Royal was so agitated as to be unable to read the Declaration audibly.‖ In general, the clergy of the country displayed the same spirit. In the dioceses of the faithful bishops, the example of the diocesan was almost universally followed; in that of Norwich, which contains twelve hundred parishes, the Declaration was not read by more than three or four.¶ In Durham, on the other side, Crewe found so great a number of his poor clergy more independent than a vast revenue could render himself, that he suspended many for disobedience. The other deserters were disobeyed by nineteen-twentieths of their clergy; and not more than two hundred in all are said to have complied out of a body of ten thousand.** "The whole Church,"

* Burnet, vol. iii. p. 218., note by Lord Dartmouth, then present as a Westminster scholar.

† Evelyn, 20th May. ‡ Van Citters, suprà. MS.

§ Lords' Journals, 19th Dec. 1689.

‖ Van Citters. MS. ¶ D'Oyley, vol. i. p. 270.

** Van Citters, 25th June. MS.

says the Nuncio, " espouses the cause of the Bishops. There is no reasonable expectation of a division among the Anglicans, and our hopes from the Nonconformists are vanished."* Well, indeed, might he despair of the Dissenters, since, on the 20th of May, the venerable Baxter, above sectarian interests, and unmindful of ancient wrongs, from his tolerated pulpit extolled the Bishops for their resistance to the very Declaration to which he now owed the liberty of commending them.†

It was no wonder that such an appearance of determined resistance should disconcert the Government. No prospect now remained of seducing some, and of punishing other Protestants, and, by this double example, of gaining the greater part of the rest. The King, after so many previous acts of violence, seemed to be reduced to the alternative of either surrendering to exasperated antagonists, or engaging in a mortal combat with all his Protestant subjects. In the most united and vigorous government, the choice would have been among the most difficult which human wisdom is required to make. In the distracted councils of James, where secret advisers thwarted responsible ministers, and fear began to disturb the judgment of some, while anger inflamed the minds of others, a still greater fluctuation and contradiction prevailed, than would have naturally arisen from the great difficulty of the situation. Pride impelled the King to advance; Caution counselled him to retreat: Calm Reason, even at this day, discovers nearly equal dangers in either movement. It is one of the most unfortunate circumstances in human affairs, that the most important questions of practice either perplex the mind so much by their difficulty, as to be always really decided by temper, or excite passions too strong for such an undisturbed exercise of the understanding as alone affords a probability of right judgment. The nearer approach

* D'Adda, 11th June. MS.
† Johnstone, 23d May. MS.

of perils, both political and personal, rendered the counsels of Sunderland more decisively moderate *; in which he was supported by the Catholic lords in office, conformably to their uniform principles †, and by Jeffreys, who, since he had gained the prize of ambition, began more and more to think of safety. ‡ It appears, also, that those who recoiled from an irreparable breach with the Church, the nation, and the Protestants of the Royal Family, were now not unwilling that their moderation should be known. Jeffreys spoke to Lord Clarendon of "moderate counsels," declared, that "some men would drive the King to destruction," and made professions of "service to the Bishops," which he went so far as to desire him to communicate to them. William Penn, on a visit, after a very long interval, to Clarendon, betrayed an inquietude, which sometimes prompts men almost instinctively to acquire or renew friendships. § Sunderland disclosed the nature and grounds of his own counsels, very fully, both to the Nuncio and to the French ambassador. ‖ "The great question," he said, "was how the punishment of the Bishops would affect the probability of accomplishing the King's purpose through a Parliament. Now, it was not to be expected, that any adequate penalty could be inflicted on them in the ordinary course of law. Recourse must be had to the Ecclesiastical Commission, which was already sufficiently obnoxious. Any legal proceeding would be long enough, in the present temper of men, to agitate all England. The suspension or deprivation by the Ecclesiastical Commissioners, which might not exclude the Bishops from their Parliamentary seats,

* D'Adda and Barillon, 3d June. MS.

† "Lords Powis, Arundel, Dover, and Bellasis, are very zealous for moderation." Van Citters, 11th June. MS.

‡ Clarendon, 14th and 27th June, 5th July, 13th August.

§ Clarendon, 21st May. "The first time I had seen him for a long time. He professed great kindness."

‖ D'Adda and Barillon, suprà.

would, in a case of so extensive delinquency, raise such a fear and cry of arbitrary power, as to render all prospect of a Parliament desperate, and to drive the King to a reliance on arms alone;—a fearful resolution, not to be entertained without fuller assurance that the army was and would remain untainted." He therefore advised, that "His Majesty should content himself with publishing a declaration, expressing his high and just resentment at the hardihood of the Bishops, in disobeying the supreme head of their Church, and disputing a Royal prerogative recently recognised by all the judges of England; but stating that, in consideration of the fidelity of the Church of England in past times, from which these prelates had been the first to depart, his Majesty was desirous of treating their offence with clemency, and would refer their conduct to the consideration of the next Parliament, in the hope that their intermediate conduct might warrant entire forgiveness." It was said, on the other hand, "that the safety of the government depended on an immediate blow; that the impunity of such audacious contumacy would embolden every enemy at home and abroad; that all lenity would be regarded as the effect of weakness and fear; and that the opportunity must now or never be seized, of employing the Ecclesiastical Commission to strike down a Church, which supported the Crown only as long as she dictated to it, and became rebellious at the moment when she was forbidden to be intolerant." To strengthen these topics, it was urged "that the factions had already boasted that the Court would not dare to proceed juridically against the Bishops."

Both the prudent ministers, to whom these discussions were imparted, influenced probably by their wishes, expected that moderation would prevail.* But, after a week of discussion, Jeffreys, fearing that the King could not be reconciled to absolute for-

* D'Adda and Barillon, 11th June. MS.

bearance, and desirous of removing the odium from the Ecclesiastical Commission, of which he was the head*, proposed that the Bishops should be prosecuted in the Court of King's Bench, and the consideration of mercy or rigour postponed till after judgment;—a compromise probably more impolitic than either of the extremes, inasmuch as it united a conspicuous and solemn mode of proceeding, and a form of trial partly popular, with room for the utmost boldness of defence, some probability of acquittal, and the least punishment in case of conviction. On the evening of the 27th, the second Sunday appointed for reading the Declaration, it was accordingly determined to prosecute them; and they were summoned to appear before the Privy Council on the 8th of June, to answer a charge of misdemeanour.

In obedience to this summons, the Bishops attended at Whitehall on the day appointed, about five o'clock in the afternoon, and being called into the Council Chamber, were graciously received by the King. The Chancellor asked the Archbishop, whether a paper now shown to him was the Petition written by him, and presented by the other Bishops to his Majesty. The Archbishop, addressing himself to the King, answered, "Sir, I am called hither as a criminal, which I never was before: since I have that unhappiness, I hope your Majesty will not be offended

* Van Citters, 11th June. MS. The biographer of James II. (Life, vol. ii. p. 158.) tells us that the Chancellor advised the King to prosecute the Bishops for tumultuous petitioning, ignorantly supposing the statute passed at the Restoration against such petitioning to be applicable to their case. The passage in the same page, which quotes the King's own MSS., is more naturally referable to the secret advisers of the Order in Council. The account of Van Citters, adopted in the text, reconciles the Jacobite tradition followed by Dicconson with the language of Jeffreys to Clarendon, and with the former complaints of the Catholics against his lukewarmness mentioned by Barillon.

that I am cautious of answering questions which may tend to accuse myself." The King called this chicanery; adding, "I hope you will not deny your own hand." The Archbishop said, "The only reason for the question is to draw an answer which may be ground of accusation;" and Lloyd, of St. Asaph, added, "All divines of all Christian Churches are agreed that no man in our situation is obliged to answer such questions:" but the King impatiently pressing for an answer, the Archbishop said, "Sir, though not obliged to answer, yet, if Your Majesty commands it, we are willing to obey, trusting to your justice and generosity that we shall not suffer for our obedience." The King said he should not command them, and Jeffreys directed them to withdraw. On their return, being commanded by the King to answer, they owned the Petition. There is some doubt whether they repeated the condition on which they made their first offer of obedience*; but, if they did not, their forbearance must have arisen from a respectful confidence, which disposed them, with reason, to consider the silence of the King as a virtual assent to their unretracted condition. A tacit acceptance of conditional obedience is indeed as distinct a promise to perform the condition as the most express words. They were then again commanded to withdraw; and, on their return a third time, they were told by Jeffreys that they would be proceeded against, "but," he added (alluding to the obnoxious Commission), "with all fairness, in Westminster Hall." He desired them to enter into a recognisance (or legal engagement) to appear. They declared

* D'Oyley (vol. i. p. 278.) seems on this point to vary from the narrative in Gutch (vol. i. p. 351.). It seems to me more probable that the condition was repeated after the second entrance; for Dr. D'Oyley is certainly right in thinking that the statement of the Archbishop's words, as having been spoken "after the third or fourth coming in," must be a mistake. It is evidently at variance with the whole course of the examination.

their readiness to answer, whenever they were called upon, without it, and, after some conversation, insisted on their privilege as Peers not to be bound by a recognisance in misdemeanour. After several ineffectual attempts to prevail on them to accept the offer of being discharged on their own recognisances, as a favour, they were committed to the Tower by a warrant, which all the Privy Councillors present (except Lord Berkeley and Father Petre) subscribed; of whom it is observable, that nine only were avowed Catholics, and nine professed members of the English Church, besides Sunderland, whose renunciation of that religion was not yet made public.* The Order for the prosecution was, however, sanctioned in the usual manner, by placing the names of all Privy Councillors at its head.

The people, who saw the Bishops as they walked to the barges which were to conduct them to the Tower, were deeply affected by the spectacle, and, for the first time, manifested their emotions in a manner which would have still served as a wholesome admonition to a wise Government. The demeanour of the Prelates is described by eye-witnesses as meek, composed, cheerful, betraying no fear, and untainted by ostentation or defiance, but endowed with a greater power over the fellow-feeling of the beholders by the exhortations to loyalty which were doubtless uttered with undesigning sincerity by the greater number of the venerable sufferers.† The mode of conveyance, though probably selected for mere convenience, contributed to deepen and prolong the interest of the scene. The soldiers who escorted them to the shore had no need to make any demonstrations of violence; for the people were too much subdued by pity and reverence to vent their feelings otherwise than by tears and prayers. Having never before seen prelates in opposition to the King, and accustomed to look at

* Gutch, vol. i. p. 353 † Reresby, p. 261.

them only in a state of pacific and inviolate dignity, the spectators regarded their fall to the condition of prisoners and the appearance of culprits with amazement, awe, and compassion. The scene seemed to be a procession of martyrs. "Thousands," says Van Citters, probably an eye-witness, "begged their blessing."* Some ran into the water to implore it. Both banks of the Thames were lined with multitudes, who, when they were too distant to be heard, manifested their feelings by falling down on their knees, and raising up their hands, beseeching Heaven to guard the sufferers for religion and liberty. On landing at the Tower, several of the guards knelt down to receive their blessing; while some even of the officers yielded to the general impulse. As the Bishops chanced to land at the accustomed hour of evening prayer, they immediately repaired to the chapel; where they heard, in the ordinary lesson of the day, a remarkable exhortation to the primitive teachers of Christianity, "to approve themselves the ministers of God, in much patience, in afflictions, in imprisonments."† The Court ordered the guard to be doubled.

On the following days multitudes crowded to the Tower‡, of whom the majority gazed on the prison with distant awe, while a few entered to offer homage and counsel to the venerable prisoners. "If it be a crime to lament," said a learned contemporary, in a confidential letter, "innumerable are the transgressors. The nobles of both sexes, as it were, keep their court at the Tower, whither a vast concourse daily go to beg the holy men's blessing. The very soldiers act as mourners."§ The soldiers on guard, indeed, drank their healths, and, though reprimanded by Sir Edward Hales, now Lieutenant of the Tower, declared that they would persevere. The amiable

* 18th June. MS. † 2 Corinthians, vi. 4, 5.
‡ Clarendon, 9th, 10th, 12th June.
§ Dr. Nelson, Gutch, vol. i. p. 360.

Evelyn did not fail to visit them on the day previous to that on which he was to dine with the Chancellor, appearing to distribute his courtesies with the neutrality of Atticus*; but we now know that Jeffreys himself, on the latter of these days, had sent a secret message by Clarendon, assuring the Bishops that he was much troubled at the prosecution, and offering his services to them.† None of their visitors were more remarkable than a deputation of ten Nonconformist ministers, which so incensed the King that he personally reprimanded them; but they answered, that they could not but adhere to the Bishops, as men constant to the Protestant religion,—an example of magnanimity rare in the conflicts of religious animosities. The Dissenting clergy seem, indeed, to have been nearly unanimous in preferring the general interest of religious liberty to the enlargement of their peculiar privileges.‡ Alsop was full of sorrow for his compliances in the former year. Lobb, who was seized with so enthusiastic an attachment to James that he was long after known by the singular name of the "Jacobite Independent," alone persevered in devotedness to the Court; and when the King asked his advice respecting the treatment of the Bishops, advised that they should be sent to the Tower.§

No exertion of friendship or of public zeal was wanting to prepare the means of their defence, and to provide for their dignity, in every part of the proceeding. The Bishop of London, Dr. Tennyson, and Johnstone, the secret agent of the Prince of Orange, appear to have been the most active of their friends. Pemberton and Pollexfen, accounted the most learned among the elder lawyers, were engaged in their cause.

* Diary, 13th—14th June.

† Clarendon, 14th June. ‡ Johnstone, 13th June. MS.

§ Johnstone, 13th June. MS. "I told the Archbishop of Canterbury," says Johnstone, "that their fate depended on very mean persons." Burnet, vol. iii. p. 217.

Sir John Holt, destined to be the chief ornament of a bench purified by liberty, contributed his valuable advice. John Somers, then in the thirty-eighth year of his age, was objected to at one of their consultations, as too young and obscure to be one of their counsel; and, if we may believe Johnstone, it was owing to him that this memorable cause afforded the earliest opportunity of making known the superior intellect of that great man. Twenty-eight peers were prepared to bail them, if bail should be required.* Stanley, chaplain to the Princess of Orange, had already assured Sancroft that the Prince and Princess approved their firmness, and were deeply interested in their fate.† One of them, probably Trelawney, a prelate who had served in the Civil War, had early told Johnstone that if they were sent to the Tower, he hoped the Prince of Orange would take them out, which two regiments and his authority would do ‡; and, a little later, the Bishop of St. Asaph assured the same trusty agent, who was then collecting the opinions of several eminent persons on the seasonableness of resistance, that "the matter would be easily done." § This bold Prelate had familiarised himself with extraordinary events, and was probably tempted to daring counsels by an overweening confidence in his own interpretation of mysterious prophecies, which he had long laboured to illustrate by vain efforts of ability and learning. He made no secret of his expectations; but, at his first interview with a chaplain of the Archbishop, exhorted him to be of good courage, and declared that the happiest results were now to be hoped; for that the people, incensed by tyranny, were ready to take up arms to expel the

* Gutch, vol. i. p. 357., where their names appear.

† Ibid. p. 307.

‡ Johnstone, 27th May. MS.

§ Johnstone, 18th June. MS. The Bishop's observation is placed between the opinions of Mr. Hampden and Sir J. Lee, both zealous for immediate action.

Papists from the kingdom, and to punish the King himself, which was to be deprecated, by banishment or death; adding, that if the Bishops escaped from their present danger, they would reform the Church from the corruptions which had crept into her frame, throw open her gates for the joyful entrance of the sober and pious among Protestant Dissenters, and relieve even those who should continue to be pertinacious in their Nonconformity from the grievous yoke of penal laws.* During the imprisonment, Sunderland and the Catholic lords, now supported by Jeffreys, used every means of art and argument to persuade James that the birth of the Prince of Wales (which will presently be related) afforded a most becoming opportunity for signalising that moment of national joy by a general pardon, which would comprehend the Bishops, without involving any apparent concession to them.† The King, as usual, fluctuated. A Proclamation, couched in the most angry and haughty language, commanding all clergymen, under pain of immediate suspension, to read the Declaration, was several times sent to the press, and as often withdrawn.‡ "The King," said Jeffreys, "had once resolved to let the proceedings fall; but some men would hurry him to destruction."§ The obstinacy of James, inflamed by bigoted advisers, and supported by commendation, with proffered aid, from France, prevailed over sober counsels.

On the 15th of June, the prisoners were brought before the Court of King's Bench by a writ of Habeas

* Diary of Henry Wharton, 25th June, 1686. D'Oyley, vol. ii. p. 134. The term "ponteficios," which is rendered in the text by Papists, may perhaps be limited, by a charitable construction, to the more devoted partisans of Papal authority. "The Bishop of St. Asaph was a secret favourer of a foreign interest." Life of Kettlewell, p. 175., compiled (London, 1718) from the papers of Hicks and Nelson.

† Johnstone, 13th June. MS.

‡ Van Citters, 8th June. MS.

§ Clarendon, 14th June.

Corpus. On leaving the Tower they refused to pay the fees required by Sir Edward Hales as lieutenant, whom they charged with discourtesy. He so far forgot himself as to say that the fees were a compensation for the irons with which he might have loaded them, and the bare walls and floor to which he might have confined their accommodation.* They answered, "We lament the King's displeasure; but every other man loses his breath who attempts to intimidate us." On landing from their barge, they were received with increased reverence by a great multitude, who made a lane for them, and followed them into Westminster Hall.† The Nuncio, unused to the slightest breath of popular feeling, was subdued by these manifestations of enthusiasm, which he relates with more warmth than any other contemporary. "Of the immense concourse of people," says he, "who received them on the bank of the river, the majority in their immediate neighbourhood were on their knees: the Archbishop laid his hands on the heads of such as he could reach, exhorting them to continue stedfast in their faith; they cried aloud that all should kneel, while tears flowed from the eyes of many."‡ In the court they were attended by the twenty-nine Peers who offered to be their sureties; and it was instantly filled by a crowd of gentlemen attached to their cause.

The return of the lieutenant of the Tower to the writ set forth that the Bishops were committed under a warrant signed by certain Privy Councillors for a seditious libel. The Attorney General moved, that the information should be read, and that the Bishops should be called on to plead, or, in common language, either to admit the fact, deny it, or allege some legal justification of it. The counsel for the Bishops objected to reading the information, on the ground

* Johnstone, 18th June. MS. See a more general statement to the same effect, in Evelyn's Diary, 29th June.

† Clarendon, 15th June. ‡ D'Adda, 22nd June. MS.

that they were not legally before the Court, because the warrant, though signed by Privy Councillors, was not stated to be issued by them in that capacity, and because the Bishops, being Peers of Parliament, could not lawfully be committed for a libel. The Court overruled these objections; — the first with evident justice, because the warrant of commitment set forth its execution at the Council Chamber, and in the presence of the King, which sufficiently showed it to be the act of the subscribing Privy Councillors acting as such, — the second, with much doubt touching the extent of privilege of Parliament, acknowledged on both sides to exempt from apprehension in all cases but treason, felony, and breach of the peace, which last term was said by the counsel for the Crown to comprehend all such constructive offences against the peace as libels, and argued on behalf of the Bishops, to be confined to those acts or threats of violence which, in common language, are termed "breaches of the peace." The greatest judicial authority on constitutional law since the accession of the House of Brunswick has pronounced the determination of the Judges in 1688 to be erroneous.* The question depends too much upon irregular usage and technical subtleties to be brought under the cognisance of the historian, who must be content with observing, that the error was not so manifest as to warrant an imputation of bad faith in the Judges. A delay of pleading till the next term, which is called an "imparlance," was then claimed. The officers usually referred to for the practice of the Court declared such for the last twelve years to have been that the defendants should immediately plead. Sir Robert Sawyer, Mr. Finch, Sir Francis Pemberton, and Mr. Pollexfen, bore a weighty testimony, from their long experience, to the more indulgent practice of the better times which preceded; but Sawyer, covered with the guilt

* Lord Camden in Wilkes's case, 1763.

of so many odious proceedings, Finch, who was by no means free from participation in them, and even Pemberton, who had the misfortune to be Chief Justice in evil days, seemed to contend against the practice of their own administration with a bad grace: the veteran Pollexfen alone, without fear of retaliation, appealed to the pure age of Sir Matthew Hale. The Court decided that the Bishops should plead; but their counsel considered themselves as having gained their legitimate object by showing that the Government employed means at least disputable against them.* The Bishops then pleaded "Not guilty," and were enlarged, on their own undertaking to appear on the trial, which was appointed for the 29th of June.

As they left the court they were surrounded by crowds, who begged their blessing. The Bishop of St. Asaph, detained in Palace Yard by a multitude, who kissed his hands and garments, was delivered from their importunate kindness by Lord Clarendon, who, taking him into his carriage, found it necessary to make a circuit through the Park to escape from the bodies of people by whom the streets were obstructed.† Shouts and huzzas broke out in the court, and were repeated all around at the moment of the enlargement. The bells of the Abbey Church of Westminster had begun to ring a joyful peal, when they were stopped by Sprat amidst the execrations of the people.‡ "No one knew," said the Dutch minister, "what to do for joy." When the Archbishop landed

* State Trials, vol. xii. p. 183. The general reader may be referred with confidence to the excellent abridgment of the State Trials, by Mr. Phillipps, — a work probably not to be paralleled by the union of discernment, knowledge, impartiality, calmness, clearness, and precision, it exhibits on questions the most angrily contested. It is, indeed, far superior to the huge and most unequal compilation of which it is an abridgment, — to say nothing of the instructive observations on legal questions in which Mr. Phillipps rejudges the determinations of past times.

† Clarendon, 15th June. ‡ Van Citters, 25th June. MS.

at Lambeth, the grenadiers of Lord Lichfield's regiment, though posted there by his enemies, received him with military honours, made a lane for his passage from the river to his palace, and fell on their knees to ask his blessing.* In the evening the premature joy at this temporary liberation displayed itself in bonfires, and in some outrages to Roman Catholics, as the supposed instigators of the prosecution.†

No doubt was entertained at Court of the result of the trial, which the King himself took measures to secure by a private interview with Sir Samuel Astry, the officer whose province it was to form the jury.‡ It was openly said that the Bishops would be condemned to pay large fines, to be imprisoned till payment, and to be suspended from their functions and revenues.§ A fund would thus be ready for the King's liberality to Catholic colleges and chapels; while the punishment of the Archbishop would remove the only licenser of the press‖ who was independent of the Crown. Sunderland still contended for the policy of being generous after victory, and of not seeking to destroy those who would be sufficiently degraded; and he believed that he had made a favourable impression on the King.¶ But the latter spoke of the feebleness which had disturbed the reign of his brother, and brought his father to the scaffold; and Barillon represents him as inflexibly resolved on rigour**, which opinion seems to have been justified by the uniform result of every previous

* Johnstone, 18th June. MS.

† Narcissus Luttrell. MS.; and the two last-mentioned authorities.

‡ Clarendon, 21st—27th June, where an agent of the Court is said to have busied himself in striking the jury.

§ Barillon, 1st July. MS. Van Citters, 2nd July. MS.

‖ It appears from Wharton's Diary, that the chaplains at Lambeth discharged this duty with more regard even then to the feelings of the King than to the rights of Protestant controversialists.

¶ D'Adda, 9th July. MS. ** Barillon, 1st July. MS.

deliberation. Men of common understanding are much disposed to consider the contrary of the last unfortunate error as being always the sound policy; they are incapable of estimating the various circumstances which may render vigour or caution applicable at different times and in different stages of the same proceedings, and pursue their single maxim, often founded on shallow views, even of one case, with headlong obstinacy. If they be men also of irresolute nature, they are unable to resist the impetuosity of violent counsellors; they are prone to rid themselves of the pain of fluctuation, by a sudden determination to appear decisive, and they often take refuge from past fears, and seek security from danger to come, by a rash and violent blow. "Lord Sunderland," says Barillon, "like a good courtier and an able politician, everywhere vindicates, with warmth and vigour, the measures which he disapproved and had opposed." *

The Bishops, on the appointed day, entered the court, surrounded by the lords † and gentlemen who, on this solemn occasion, chose that mode of once more testifying their adherence to the public cause. Some previous incidents inspired courage. Levinz, one of the counsel retained, having endeavoured to excuse himself from an obnoxious duty, was compelled, by the threats of attorneys, to perform it. The venerable Serjeant Maynard, urged to appear for the Crown, in the discharge of his duty as King's Serjeant, boldly answered, that if he did he was bound also to declare his conscientious opinion of the case to the King's Judges.‡ The appearance of the bench was not consolatory to the accused. Powell

* Barillon, 1st July. MS.

† "Thirty-five lords. (Johnstone, 2nd July. M.S.); probably about one-half of the legally qualified peers then in England and able to attend. There were eighty-nine temporal lords who were Protestants. Minority, absence from the kingdom, and sickness, may account for nineteen.

‡ Johnstone, 2nd July. MS.

was the only impartial and upright Judge. Allibone, as a Roman Catholic, was, in reality, about to try the question whether he was himself legally qualified for his office. Wright and Holloway were placed there to betray the law. Jeffreys himself, who had appointed the Judges, now loaded them with the coarsest reproaches*—more, perhaps, from distrust of their boldness than from apprehension of their independence. Symptoms of the overawing power of national opinion are indeed perceptible in the speech of the Attorney-General, which was not so much the statement of an accusation as an apology for a prosecution. He disclaimed all attack on the Bishops in their episcopal character, and did not now complain of their refusal to read the King's Declaration; but only charged them with the temporal offence of composing and publishing a seditious libel, under pretence of presenting an humble petition to His Majesty. His doctrine on this head was, indeed, subversive of liberty; but it has often been repeated in better times, though in milder terms, and with some reservations. "The Bishops," said he, "are accused of censuring the government, and giving their opinion about affairs of State. No man may say of the great officers of the kingdom, far less of the King, that they act unreasonably, for that may beget a desire of reformation, and the last age will abundantly satisfy us whither such a thing does tend."

The first difficulty arose as to the proof of the handwriting, which seems to have been decisive against Sancroft, sufficient against some others, and altogether wanting in the cases of Ken and Lake. All the witnesses on this subject gave their testimony with the most evident reluctance. The Court was equally divided on the question whether there was

* "Rogues," "Knaves," "Fools." Clarendon, 27th June—5th July. He called Wright "a beast;" but this, it must be observed, was after his defeat.

sufficient proof of it to warrant the reading of the Petition in evidence against the accused. The objection to its being so read was groundless; but the answers to it were so feeble as to betray a general irresolution and embarrassment. The counsel for the Crown were then driven to the necessity of calling the clerk of the Privy Council to prove the confessions before that body, in obedience to the commands of the King. When they were proved, Pemberton, with considerable dexterity, desired the witness to relate all the circumstances which attended these confessions. Blathwaite, the clerk, long resisted, and evaded the question, of which he evidently felt the importance; but he was at length compelled to acknowledge that the Bishops had accompanied their offer to submit to the Royal command, with an expression of their hope that no advantage would be taken of their confession against them. He could not pretend that they had been previously warned against such a hope; but he eagerly added, that no promise to such an effect had been made,—as if chicanery could be listened to in a matter which concerned the personal honour of a sovereign. Williams, the only one of the counsel for the Crown who was more provoked than intimidated by the public voice, drew the attention of the audience to this breach of faith by the vehemence with which he resisted the admission of the evidence which proved it.

Another subtle question sprung from the principle of English law, that crimes are triable only in the county where they are committed. It was said that the alleged libel was written at Lambeth in Surrey, and not proved to have been published in Middlesex; so that neither of the offences charged could be tried in the latter county. That it could not have been written in Middlesex was proved by the Archbishop, who was the writer, having been confined by illness to his palace for some months. The prosecutor then endeavoured to show by the clerks of the Privy Coun

cil*, that the Bishops had owned the delivery of the Petition to the King, which would have been a publication in Middlesex: but the witnesses proved only an admission of the signatures. On every failure, the audience showed their feelings by a triumphant laugh or a shout of joy. The Chief Justice, who at first feebly reprimanded them, soon abandoned the attempt to check them. In a long and irregular altercation, the advocates of the accused spoke with increasing boldness, and those for the prosecution with more palpable depression,—except Williams, who vented the painful consciousness of inconsistency, unvarnished by success, in transports of rage which descended to the coarsest railing. The Court had already, before the examination of the latter witnesses, determined that there was no evidence of publication; notwithstanding which, and the failure of these last, the Attorney and Solicitor-General proceeded to argue that the case was sufficient,—chiefly, it would seem, to prolong the brawl till the arrival of Lord Sunderland, by whose testimony they expected to prove the delivery of the Petition to the King. But the Chief Justice, who could no longer endure such wearisome confusion, began to sum up the evidence to the Jury, whom, if he had adhered to his previous declarations, he must have instructed to acquit the accused. Finch, either distrusting the Jury, or excused, if not justified, by the Judge's character, by the suspicious solemnity of his professions of impartiality, and by his own too long familiarity with the darkest mysteries of state trials, suspected some secret design, and respectfully interrupted Wright, in order to ascertain whether he still thought that there was no sufficient proof of writing in Middlesex, or of publication anywhere. Wright, who seemed to be piqued, said, "he was sorry Mr. Finch should think

* Pepys, the noted Secretary to the Admiralty, was one of the witnesses examined. He was probably a Privy Councillor.

him capable of not leaving it fairly to the Jury,"—scarcely containing his exultation over his supposed indiscretion.* Pollexfen requested the Judge to proceed; and Finch pressed his interruption no farther. But Williams, who, when Wright had begun to sum up, countermanded his request for the attendance of Lord Sunderland as too late, seized the opportunity of this interruption to despatch a second message, urging him to come without delay, and begged the Court to suspend the summing up, as a person of great quality was about to appear who would supply the defects in the evidence,—triumphantly adding, that there was a fatality in this case. Wright then said to the accused's counsel, "You see what comes of the interruption; now we must stay." All the bystanders condemned Finch as much as he soon afterwards compelled them to applaud him. An hour was spent in waiting for Sunderland. It appears to have been during this fortunate delay that the Bishops' counsel determined on a defence founded on the illegality of the Dispensing Power, from which they had before been either deterred from an apprehension that they would not be suffered to question an adjudged point, or diverted at the moment by the prospect that the Chief Justice would sum up for an acquittal.†

* "The C. J. said, 'Gentlemen, you do not know your own business; but since you will be heard, you shall be heard.'" Johnstone, 2nd July. MS. He seems to have been present, and, as a Scotchman, was not very likely to have invented so good an illustration of the future tense. It is difficult not to suspect that Wright, after admitting that there was no positive evidence of publication in Middlesex, did not intend to tell the jury that there were circumstances proved from which they might reasonably infer the fact. The only circumstance, indeed, which could render it doubtful that he would lay down a doctrine so well founded, and so suitable to his purpose, at a time when he could no longer be contradicted, is the confusion which, on this trial, seems to have more than usually clouded his weak understanding.

† "They waited about an hour for Sunderland, which luckily fell out, for in this time the Bishops' lawyers recollected them-

By this resolution, the verdict, instead of only insuring the escape of the Bishops, became a triumph of the constitution. At length Sunderland was carried through Westminster in a chair, the head of which was down;—no one saluting him, and the multitude hooting and hissing, and crying out "Popish dog!' He was so disordered by this reception, that when he came into court he trembled, changed colour, and looked down, as if fearful of the countenances of ancient friends, and unable to bear the contrast between his own disgraceful greatness and the honourable calamity of the Bishops. He only proved that the Bishops came to him with a petition, which he declined to read; and that he introduced them immediately to the King, to whom he had communicated the purpose for which they prayed an audience.

The general defence then began, and the counsel for the Bishops, without relinquishing their minor objections, arraigned the Dispensing Power, and maintained the right of petition with a vigour and boldness which entitles such of them as were only mere advocates to great approbation, and those among them who were actuated by higher principles to the everlasting gratitude of their country. When Sawyer began to question the legality of the Declaration, Wright, speaking aside, said, "I must not suffer them to dispute the King's power of suspending laws." Powell answered, "They must touch that point; for if the King hath no such power (as clearly he hath not), the Petition is no attack on the King's legal power, and therefore no libel." Wright peevishly replied, "I know you are full of that doctrine, but the Bishops shall have no reason to say I did not hear them.

selves, in order to what followed." A minute examination of the trial explains these words of Johnstone, and remarkably proves his accuracy. From the eagerness of Pollexfen that Wright should proceed with his address to the jury, it is evident that they did not then intend to make the defence which was afterwards made.

Brother, you shall have your way for once. I will hear them. Let them talk till they are weary." The substance of the argument was, that a Dispensing Power was unknown to the ancient constitution; that the Commons, in the reign of Richard II., had formally consented that the King should, with the assent of the Lords, exercise such a power respecting a single law till the next Parliament*; that the acceptance of such a trust was a Parliamentary declaration against the existence of such a prerogative; that though there were many cases of dispensations from penalties granted to individuals, there never was an instance of a pretension to dispense with laws before the Restoration; that it was in the reign of Charles II. twice condemned by Parliament, twice relinquished, and once disclaimed by the Crown; that it was declared to be illegal by the House of Commons in their very last session; and finally, that the power to suspend was in effect a power to abrogate, that it was an assumption of the whole legislative authority, and laid the laws and liberties of the kingdom at the mercy of the King. Mr. Somers, whose research had supplied the ancient authorities quoted by his seniors, closed the defence in a speech admirable for a perspicuous brevity well adapted to the stage of the trial at which he spoke; in which, with a mind so unruffled by the passions which raged around him as even to preserve a beautiful simplicity of expression,—rarely reconcileable with anxious condensation,—he conveyed in a few luminous sentences the substance of all that had been dispersed over a rugged, prolix, and disorderly controversy. "My Lord, I would only mention the case respecting a dispensation from a statute of Edward VI., wherein all the judges determined that there never could be an abrogation or suspension (which is a temporary abrogation) of an Act of Parliament but by the legislative power. It was, indeed,

* 15 Ric. II.

disputed how far the King might dispense with the penalties of such a particular law, as to particular persons; but it was agreed by all that the King had no power to suspend any law. Nay, I dare venture to appeal to Mr. Attorney-General, whether, in the late case of Sir Edward Hales, he did not admit that the King could not suspend a law, but only grant a dispensation from its observance to a particular person. My Lord, by the law of all civilised nations, if the prince requires something to be done, which the person who is to do it takes to be unlawful, it is not only lawful, but his duty, *rescribere principi**, — to petition the sovereign. This is all that is done here; and that in the most humble manner that could be thought of. Your Lordships will please to observe how far that humble caution went; how careful they were that they might not in any way justly offend the King: they did not interpose by giving advice as peers; they never stirred till it was brought home to themselves as bishops. When they made this Petition, all they asked was, that it might not be so far insisted on by His Majesty as to oblige them to read it. Whatever they thought of it, they do not take it upon them to desire the Declaration to be revoked. My Lord, as to the matters of fact alleged in the Petition, that they are perfectly true we have shown by the Journals of both Houses. In every one of those years which are mentioned in the Petition, this power was considered by Parliament, and upon debate declared to be contrary to law. There could then be no design to diminish the prerogative, for the King has no such prerogative. Seditious, my Lord, it could not be, nor could it possibly stir up sedition in the minds of the people, because it was presented to the King in pri-

* This phrase of the Roman law, which at first sight seems mere pedantry, conveys a delicate and happy allusion to the liberty of petition, which was allowed even under the despotism of the emperors of Rome.

vate and alone; false it could not be, for the matter of it was true; there could be nothing of malice, for the occasion was not sought, but the thing was pressed upon them; and a libel it could not be, because the intent was innocent, and they kept within the bounds set up by the law that gives the subject leave to apply to his prince by petition when he is aggrieved."

The Crown lawyers, by whom this extensive and bold defence seems to have been unforeseen, manifested in their reply their characteristic faults. Powis was feebly technical, and Williams was offensively violent.* Both evaded the great question of the prerogative by professional common-places of no avail with the Jury or the public. They both relied on the usual topics employed by their predecessors and successors, that the truth of a libel could not be the subject of inquiry; and that the falsehood, as well as the malice and sedition charged by the information, were not matters of fact to be tried by the Jury, but qualifications applied by the law to every writing derogatory to the government. Both triumphantly urged that the Parliamentary proceedings of the last and present reign, being neither acts nor judgments of Parliament, were no proof of the illegality of what they condemned, — without adverting to the very obvious consideration that the Bishops appealed to them only as such manifestations of the sense of Parliament as it would be imprudent in them to disregard. Williams, in illustration of this argument, asked "Whether the name of 'a declaration in Parliament' could be given to the Bill of Exclusion, because it had passed the Commons (where he himself had been very active in promoting

* "Pollexfen and Finch took no small pains to inveigh against the King's Dispensing Power. The counsel for the Crown waived that point, though Mr. Solicitor was fiercely earnest against the Bishops, and took the management upon himself; Mr. Attorney's province being to put a smooth question now and then." Mr. (afterwards Baron) Price to the Duke of Beaufort. Macpherson, Original Papers, vol. i. p. 266.

it)?" This indiscreet allusion was received with a general hiss.* He was driven to the untenable position, that a petition from these prelates was warrantable only to Parliament; and that they were bound to delay it till Parliament should be assembled.

Wright, waiving the question of the Dispensing Power†, instructed the Jury that a delivery to the King was a publication; and that any writing which was adapted to disturb the government, or make a stir among the people, was a libel;—language of fearful import, but not peculiar to him, nor confined to his time. Holloway thought, that if the intention of the Bishops was only to make an innocent provision for their own security, the writing could not be a libel. Powell declared that they were innocent of sedition, or of any other crime, saying, "If such a Dispensing Power be allowed, there will need no Parliament; all the legislature will be in the King. I leave the issue to God and to your consciences." Allibone overleaped all the fences of decency or prudence so far as to affirm, "that no man can take upon himself to write against the actual exercise of the government, unless he have leave from the Government, but he makes a libel, be what he writes true or false. The government ought not to be impeached by argument. This is a libel. No private man can write concerning the government at all, unless his own interest be stirred, and then he must redress himself by law. Every man may petition in what relates to his private interest; but neither the Bishops, nor any other man, has a right to intermeddle in affairs of government."

After a trial which lasted ten hours, the Jury re-

* Van Citters, 9th July. MS.

† "The Dispensing Power is more effectually knocked on the head than if an Act of Parliament had been made against it. The Judges said nothing about it, except Powell, who declared against it: so it is given up in Westminster Hall. My Lord Chief Justice is much blamed at Court for allowing it to be debated." Johnstone, 2nd July. MS.

tired at seven o'clock in the evening to consider their verdict. The friends of the Bishops watched at the door of the jury-room, and heard loud voices at midnight and at three o'clock;—so anxious were they about the issue, though delay be in such cases a sure symptom of acquittal. The opposition of one Arnold, the brewer of the King's house, being at length subdued by the steadiness of the others, the Chief Justice was informed, at six o'clock in the morning, that the Jury were agreed in their verdict.* The Court met at nine o'clock. The nobility and gentry covered the benches; and an immense concourse of people filled the Hall, and blocked up the adjoining streets. Sir Robert Langley, the foreman of the Jury, being, according to established form, asked whether the accused were guilty or not guilty, pronounced the verdict, "Not guilty." No sooner were these words uttered than a loud huzza arose from the audience in the court. It was instantly echoed from without by a shout of joy, which sounded like a crack of the ancient and massy roof of Westminster Hall.† It passed with electrical rapidity from voice to voice along the infinite multitude who waited in the streets, reaching the Temple in a few minutes. For a short time no man seemed to know where he was. No business was done for hours. The Solicitor-General

* Letter of Ince, the solicitor for the Bishops, to Sancroft. Gutch, vol. i. p. 374. From this letter we learn that the perilous practice then prevailed of successful parties giving a dinner and money to the jury. The solicitor proposed that the dinner should be omitted, but that 150 or 200 guineas should be distributed among twenty-two of the panel who attended. "Most of them (*i. e.* the panel of the Jury) are Church of England men; several are employed by the King in the navy and revenue; and some are or once were of the Dissenters' party." Ellis, Original Letters, 2nd series, vol. iv. p. 105. Of this last class we are told by Johnstone, that, "on being sounded by the Court agents, they declared that if they were jurors, they should act according to their conscience."

† Clarendon, 30th June.

informed Lord Sunderland, in the presence of the Nuncio, that never within the remembrance of man had there been heard such cries of applause mingled with tears of joy.* "The acclamations," says Sir John Reresby, "were a very rebellion in noise." In no long time they ran to the camp at Hounslow, and were repeated with an ominous voice by the soldiers in the hearing of the King, who, on being told that they were for the acquittal of the Bishops, said, with an ambiguity probably arising from confusion, "So much the worse for them." The Jury were everywhere received with the loudest acclamations: hundreds, with tears in their eyes, embraced them as deliverers.† The Bishops, almost alarmed at their own success, escaped from the huzzas of the people as privately as possible, exhorting them to "fear God and honour the King." Cartwright, Bishop of Chester, had remained in court during the trial unnoticed by any of the crowd of nobility and gentry, and Sprat met with little more regard.‡ The former, in going to his carriage, was called a "wolf in sheep's clothing;", and as he was very corpulent, the mob cried out, "Room for the man with a pope in his belly!" They bestowed also on Sir William Williams very mortifying proofs of disrespect.§

Money having been thrown among the populace for that purpose, they in the evening drank the healths of the King, the Bishops, and the Jury, together with confusion to the Papists, amidst the ringing of bells, and around bonfires blazing before the windows of the King's palace‖; where the Pope was burnt in effigy¶ by those who were not aware of his lukewarm friendship for their enemies. Bonfires were also kindled before the doors of the most distinguished Roman Catholics, who were required to defray the

* D'Adda, 16th July. MS.
† Van Citters, 13th July. MS. ‡ Gutch, vol. i. p. 382.
§ Van Citters, 13th July. MS. ‖ Ibid.
¶ Johnstone, 2d July. MS. Gerard, News Letter, 4th July.

expense of this annoyance. Lord Arundel, and others, submitted: Lord Salisbury, with the zeal of a new convert, sent his servants to disperse the rabble; but after having fired upon and killed only the parish beadle, who came to quench the bonfire, they were driven back into the house. All parties, Dissenters as well as Churchmen, rejoiced in the acquittal: the Bishops and their friends vainly laboured to temper the extravagance with which their joy was expressed.* The Nuncio, at first touched by the effusion of popular feeling, but now shocked by this boisterous triumph, declared, "that the fires over the whole city, the drinking in every street, accompanied by cries to the health of the Bishops and confusion to the Catholics, with the play of fireworks, and the discharge of firearms, and the other demonstrations of furious gladness, mixed with impious outrage against religion, which were continued during the night, formed a scene of unspeakable horror, displaying, in all its rancour, the malignity of this heretical people against the Church." † The bonfires were kept during the whole of Saturday; and the disorderly rejoicings of the multitude did not cease till the dawn of Sunday reminded them of the duties of their religion.‡ These same rejoicings spread through the principal towns. The Grand Jury of Middlesex refused to find indictments for a riot against some parties who had tumultuously kindled bonfires, though four times sent out with instructions to do so.§

The Court also manifested its deep feelings on this occasion. In two days after the acquittal, the rank of a baronet was conferred upon Williams; while Powell for his honesty, and Holloway for his hesitation, were removed from the bench. The King betrayed the disturbance of his mind even in his camp‖; and,

* News Letter, 4th July. † D'Adda, 16th July. MS.
‡ Ellis, vol. iv. p. 110.
§ Reresby, p. 265. Gerard, News Letter, 7th July.
‖ Reresby, suprà.

though accustomed to unreserved conversation with Barillon, observed a silence on the acquittal which that minister was too prudent to interrupt.*

In order to form a just estimate of this memorable trial, it is necessary to distinguish its peculiar grievances from the evils which always attend the strict administration of the laws against political libels. The doctrine that every writing which indisposes the people towards the administration of the government, however subversive of all political discussion, is not one of these peculiar grievances, for it has often been held in other cases, and perhaps never distinctly disclaimed; and the position that a libel may be conveyed in the form of a petition is true, though the case must be evident and flagrant which would warrant its application. The extravagances of Williams and Allibone might in strictness be laid out of the case, as peculiar to themselves, and not necessary to support the prosecution, were it not that they pointed out the threatening positions which success in it might encourage and enable the enemy to occupy. It was absolutely necessary for the Crown to contend that the matter of the writing was so inflammatory as to change its character from that of a petition to that of a libel; that the intention in composing it was not to obtain a relief, but to excite discontent; and that it was presented to the King to insult him, and to make its contents known to others. But the attempt to extract such conclusions from the evidence against the

* "His Majesty has been pleased to remove Sir Richard Holloway and Sir John Powell from being justices of the King's Bench." London Gazette, 6th July. In the Life of James II. (vol. ii. p. 163.) it is said, that "the King gave no marks of his displeasure to the Judges Holloway and Powell." It is due to the character of James, to say that this falsehood does not proceed from him; and justice requires it to be added, that as Dicconson, the compiler, thus evidently neglected the most accessible means of ascertaining the truth, very little credit is due to those portions of his narrative for which, as in the present case, he cites no authority.

Bishops was an excess beyond the furthest limits of the law of libel, as it was even then received. The generous feelings of mankind did not, however, so scrupulously weigh the demerits of the prosecution. The effect of this attempt was to throw a strong light on all the odious qualities (hid from the mind in their common state by familiarity) of a jealous and restrictive legislation, directed against the free exercise of reason and the fair examination of the interests of the community. All the vices of that distempered state in which a Government cannot endure a fearless discussion of its principles and measures, appeared in the peculiar evils of a single conspicuous prosecution. The feelings of mankind, in this respect more provident than their judgment, saw, in the loss of every post, the danger to the last entrenchments of public liberty. A multitude of contemporary circumstances, wholly foreign to its character as a judicial proceeding, gave the trial the strongest hold on the hearts of the people. Unused to popular meetings, and little accustomed to political writings, the whole nation looked on this first public discussion of their rights in a high place, surrounded by the majesty of public justice, with that new and intense interest which it is not easy for those who are familiar with such scenes to imagine. It was a prosecution of men of the most venerable character and of manifestly innocent intention, after the success of which no good man could have been secure. It was an experiment, in some measure, to ascertain the means and probabilities of general deliverance. The Government was on its trial: and by the verdict of acquittal, the King was justly convicted of a conspiracy to maintain usurpation by oppression.

The solicitude of Sunderland for moderation in these proceedings had exposed him to such charges of lukewarmness, that he deemed it necessary no longer to delay the long-promised and decisive proof of his identifying his interest with that of his master.

Sacrifices of a purely religious nature cost him little.* Some time before, he had compounded for his own delay by causing his eldest son to abjure Protestantism; "choosing rather," says Barillon, "to expose his son than himself to future hazard." The specious excuse of preserving his vote in Parliament had hitherto been deemed sufficient; while the shame of apostasy, and an anxiety not to embroil himself irreparably with a Protestant successor, were the real motives for delay. But nothing less than a public avowal of his conversion would now suffice to shut the mouths of his enemies, who imputed his advice of lenity towards the Bishops to a desire of keeping measures with the adherents of the Prince of Orange.† It was accordingly in the week of the Bishops' trial that he made public his renunciation of the Protestant religion, but without any solemn abjuration, because he had the year before secretly performed that ceremony to Father Petre.‡ By this measure he completely succeeded in preserving or recovering the favour of the King, who announced it with the warmest commendations to his Catholic counsellors, and told the Nuncio that a resolution so generous and holy would very much contribute to the service of God. "I have, indeed, been informed,"

* "On ne scait pas de quelle religion il est." Lettre d'un Anonyme (peut-être Bonrepos) sur la Cour de Londres, 1688. MSS. in the Dépôt des Affaires Etrangères, at Paris.

† "Il a voulu fermer la bouche à ses ennemis, et leur ôter toute prétexte de dire qu'il peut entrer dans sa conduite quelque ménagement pour la partie de M. le Prince d'Orange." Barillon, 8th July. MS.

‡ Id., suprà. "Father Petre, though it was irregular, was forced to say two masses in one morning, because Lord Sunderland and Lord Mulgrave were not to know of each other's conversion." Halifax MSS. The French ambassador at Constantinople informed Sir William Trumbull of the secret abjuration. Ibid. "It is now necessary," says Van Citters (6th July), "to secure the King's favour; the Queen's, if she be regent; and his own place in the Council of Regency, if there be one."

says that minister, "that some of the most fanatical merchants of the city have observed that the Royal party must certainly be the strongest, since, in the midst of the universal exasperation of men's minds, it is thus embraced by a man so wise, prudent, rich, and well informed."* The Catholic courtiers also considered the conversion as an indication of the superior strength and approaching triumph of their religion. Perhaps, indeed, the birth of the Prince of Wales might have somewhat encouraged him to the step; but it chiefly arose from the prevalence of the present fear for his place over the apprehension of remote consequences. Ashamed of his conduct, he employed a friend to communicate his change to his excellent wife, who bitterly deplored it.† His uncle, Henry Sidney, the most confidential agent of the Prince of Orange, was incensed at his apostasy, and openly expressed the warmest wishes for his downfall.‡

Two days after the imprisonment of the Bishops,—as if all the events which were to hasten the catastrophe of this reign, however various in their causes or unlike in their nature, were to be crowded into the same scene, the Queen had been delivered in the palace of St. James's of a son, whose birth had been the object of more hopes and fears, and was now the hinge on which greater events turned, than that of any other Royal infant since human affairs have been recorded in authentic history. Never did the dependence of a monarchical government on physical accident more strikingly appear. On Trinity Sunday, the 10th of June, between nine and ten in the morning, the Prince of Wales was born, in the presence of

* D'Adda, 9th July. MS.

† Evelyn, who visited Althorp a fortnight afterwards, thus alludes to it: "I wish from my soul that the Lord her husband, whose parts are otherwise conspicuous, were as worthy of her, *as by a fatal apostasy* and court ambition he has made himself unworthy." Diary, 18th July.

‡ Johnstone, 2d July. MS.

the Queen Dowager, of most of the Privy Council, and of several ladies of quality,—of all, in short, who were the natural witnesses on such an occasion, except the Princess Anne, who was at Bath, and the Archbishop of Canterbury, who was a prisoner in the Tower. The cannons of the Tower were fired; a general thanksgiving was ordered; and the Lord Mayor was enjoined to give directions for bonfires and public rejoicing. Some addresses of congratulation followed; and compliments were received on so happy an occasion from foreign powers. The British ministers abroad, in due time, celebrated the auspicious birth, — with undisturbed magnificence, at Rome, — amidst the loudest manifestations of dissatisfaction and apprehension at Amsterdam. From Jamaica to Madras, the distant dependencies, with which an unfrequent intercourse was then maintained by tedious voyages, continued their prescribed rejoicings long after other feelings openly prevailed in the mother country. The genius of Dryden, which often struggled with the difficulty of a task imposed, commemorated the birth of the "son of prayer" in no ignoble verse, but with prophecies of glory which were speedily clouded, and in the end most signally disappointed.*

The universal belief that the child was supposititious is a fact which illustrates several principles

"Born in broad daylight, that the ungrateful rout
May find no room for a remaining doubt:
Truth, which itself is light, does darkness shun,
And the true eaglet safely dares the sun.
Fain would the fiends have made a dubious birth.
* * * *
No future ills, nor accidents, appear,
To sully or pollute the sacred infant's year.
* * * *
But kings too tame are despicably good.
Be this the mixture of the regal child,
By nature manly, but by virtue mild."

Britannia Rediviva.

of human nature, and affords a needful and wholesome lesson of scepticism, even in cases where many testimonies seem to combine, and all judgments for a time agree. The historians who wrote while the dispute was still pending enlarge on the particulars: in our age, the only circumstances deserving preservation are those which throw light on the origin and reception of a false opinion, which must be owned to have contributed to subsequent events. Few births are so well attested as that of the unfortunate Prince whom almost all English Protestants then believed to be spurious. The Queen had, for months before, alluded to her pregnancy, in the most unaffected manner, to the Princess of Orange.* The delivery took place in the presence of many persons of unsuspected veracity, a considerable number of whom were Protestants. Messengers were early sent to fetch Dr. Chamberlain, an eminent obstetrical practitioner and a noted Whig, who had been oppressed by the King, and who would have been the last person summoned to be present at a pretended delivery.† But, as not one in a thousand had credited the pregnancy, the public now looked at the birth with a strong predisposition to unbelief, which a very natural neglect suffered for some time to grow stronger from being uncontradicted. This prejudice was provoked to greater violence by the triumph of the Catholics; as suspicion had before been awakened by their bold predictions. The importance of the event had, at the earlier period of the pregnancy, produced mystery and reserve,—the frequent attendants of fearful anxiety,—which were eagerly seized on as presumptions of sinister purpose. When a passionate and inexperienced Queen disdained to take any measures to silence malicious rumours,

* Ellis, Original Letters, 1st series, vol. iii. p. 348. 21st Feb., 15th May, 6th—13th July. The last is decisive.

† Dr. Chamberlain's Letter to the Princess Sophia. Dalrymple, app. to book v.

her inaction was imputed to inability; and when she submitted to the use of prudent precautions, they were represented as betraying the fears of conscious guilt. Every act of the Royal Family had some handle by which ingenious hostility could turn it against them. Reason was employed only to discover argument in support of the judgment which passion had pronounced. In spite of the strongest evidence, the Princess Anne honestly persevered in her incredulity.* Johnstone, who received minute information of all the particulars of the delivery from one of the Queen's attendants†, could not divest himself of suspicions, the good faith of which seems to be proved by his not hazarding a positive judgment on the subject. By these the slightest incidents of a lying-in room were darkly coloured. No incidents in human life could have stood the test of a trial by minds so prejudiced,—especially as long as adverse scrutiny had the advantages of the partial selection and skilful insinuation of facts, undisturbed by that full discussion in which all circumstances are equally sifted. When the before-mentioned attendant of the Queen declared to a large company of gainsayers that "she would swear" (as she afterwards did), "that the Queen had a child," it was immediately said, "How ambiguous is her expression! The child might have been born dead." At one moment Johnstone boasts of the universal unbelief: at another he is content with saying that even wise men see no evidence of the birth; that, at all events, there is doubt enough to require a Parliamentary inquiry; and that the general doubt may be lawfully employed as an argument by those who, even if they do not share it, did nothing to produce it. He sometimes endeavours to stifle his own scepticism with the

* Princess Anne to the Princess of Orange. Dalrymple.

† Mrs. Dawson, one of the gentlewomen of the Queen's bedchamber, a Protestant, afterwards examined before the Privy Council, who communicated all the circumstances to her friend, Mrs. Baillie, of Jerviswood, Johnstone's sister.

public opinion; and on other occasions has recourse to these very ambiguous maxims of factious casuistry; but the whole tenor of his confidential letters shows the groundless unbelief in the Prince's legitimacy to have been as spontaneous as it was general. Various, and even contradictory, accounts of the supposed imposture were circulated; it was said that the Queen was never pregnant; that she had miscarried at Easter; that one child, and by some accounts two children in succession, had been substituted in the room of the abortion. That these tales contradicted each other was a very slight objection in the eye of a national prejudice: the people were very slow in seeing the contradiction; some had heard only one story, and some jumbled parts of more together. The zealous, when beat out of one version, retired upon another: the skilful chose that which, like the abortion (of which there had actually been a danger), had some apparent support from facts. When driven successively from every post, they took refuge in the general remark, that so many stories must have a foundation; that they all coincided in the essential circumstance of a supposititious birth, though they differed in facts of inferior moment; that the King deserved, by his other breaches of faith, the humiliation which he now underwent; and that the natural punishment of those who have often deceived is to be disbelieved when they speak truth. It is the policy of most parties not to discourage zealous partisans. The multitude considered every man who hesitated in thinking the worst of an enemy, as his abettor; and the loudness of the popular cry subdued the remains of candid doubt in those who had at first, from policy, countenanced, though they did not contrive, the delusion. In subsequent times, it was not thought the part of a good citizen to aid in detecting a prevalent error, which enabled the partisans of inviolable succession to adhere to the principles of the Revolution without incon-

sistency during the reign of Anne*, and through which the House of Hanover itself were brought at least nearer to an hereditary right. Johnstone on the spot, and at the moment, almost worked himself into a belief of it; while Lloyd, Bishop of St. Asaph, honestly adhered to it many years afterwards.† The collection of inconsistent rumours on this subject by Burnet reflects more on his judgment than any other passage of his history; yet, zealous as he was, his conscience would not allow him to profess his own belief in what was still a fundamental article of the creed of his party. Echard, writing under George I., intimates his disbelief, for which he is almost rebuked by Kennet. The upright and judicious Rapin, though a French Protestant, and an officer in the army led by the Prince of Orange into England, yet, in the liberty of his foreign retirement, gave an honest judgment against his prejudices. Both parties, on this subject, so exactly believed what they wished, that perhaps scarcely any individual before him examined it on grounds of reason. The Catholics were right by chance, and by chance the Protestants were wrong. Had it been a case of the temporary success of artful impostures, so common an occurrence would have deserved no notice: but the growth of a general delusion from the prejudice and passion of a nation, and the deep root which enabled it to keep a place in history for half a century, render this transaction worthy to be remembered by posterity.

The triumph of the Bishops did not terminate all proceedings of the Ecclesiastical Commissioners against

* Caveat Against the Whigs, part ii. p. 50., — where the question is left in doubt at the critical period of 1712.

† See his account adverted to by Burnet and others, published by Oldmixon, vol. i. p. 734. "The Bishop whom your friends know, bids me tell them that he had met with neither man nor woman who were so good as to believe the Prince of Wales to be a lawful child." Johnstone, 2d July. MS. This bold bishop was probably Compton.

the disobedient clergy. They issued an order* requiring the proper officers in each diocese to make a return of the names of those who had not read the Royal Declaration. On the day before that which was fixed for the giving in the return, a meeting of chancellors and archdeacons was held; of whom eight agreed to return that they had no means of procuring the information but at their regular visitation, which did not fall within the appointed time, six declined to make any return at all, and five excused themselves on the plea that the order had not been legally served upon them.† The Commissioners, now content to shut their eyes on lukewarmness, resistance, or evasion, affected a belief in the reasons assigned for non-compliance, and directed another return to be made on the 6th of December, appointing a previous day for a visitation.‡ On the day when the Board exhibited these symptoms of debility and decay, it received a letter from Sprat, tendering the resignation of his seat, which was universally regarded as foreboding its speedy dissolution §; and the last dying effort of its usurped authority was to adjourn to a day on which it was destined never to meet. Such, indeed, was the discredit into which these proceedings had fallen, that the Bishop of Chichester had the spirit to suspend one of his clergy for obedience to the King's order in reading the Declaration.‖

The Court and the Church now contended with

* London Gazette, 12th July.

† Sayers' News Letter, 18th August.

‡ London Gazette, 16th August.

§ Sayers' News Letter, 22d August. "The secretary gave this letter to the Chancellor, who swore that the Bishop was mad. He gave it to the Lord President, but it was never read to the Board." Such was then the disorder in their minds and in their proceedings.

‖ Ibid. 19th Sept., Kennet, vol. iii. p. 515. note; in both which the date of Sprat's letter is 15th August, the day before the last meeting of the Commissioners.

each other for the alliance of the Dissenters, but with very unequal success. The last attempt of the King to gain them, was the admission into the Privy Council of three gentlemen, who were either Nonconformists, or well disposed towards that body,—Sir John Trevor, Colonel Titus, and Mr. Vane, the posthumous son of the celebrated Sir Henry Vane.* The Church took better means to unite all Protestants against a usurpation which clothed itself in the garb of religious liberty; and several consultations were held on the mode of coming to a better understanding with the Dissenters.† The Archbishop and clergy of London had several conferences with the principal Dissenting ministers on the measures fit to be proposed about religion in the next Parliament.‡ The Primate himself issued admonitions to his clergy, in which he exhorted them to have a very tender regard towards their Dissenting brethren, and to entreat them to join in prayer for the union of all Reformed churches "at home and abroad, against the common enemy," § conformably to the late Petition of himself and his brethren, in which they had declared their willingness to come into such a temper as should be thought fit with the Dissenters, whenever that matter should be considered in Parliament and Convocation. He even carried this new-born tenderness so far as to renew those projects for uniting the more moderate to the Church by some concessions in the terms of worship, and for exempting those whose scruples were insurmountable from the severity of penal laws, which had been foiled by his friends, when they were negotiated by Hale and Baxter in the preceding reign, and which were again within a few months afterwards to be resisted, by the same party, and with too much success. Among the instances of the disaffection of the Church the Uni-

* London Gazette, 6th July.
† Sayers' News Letter, 7th July.
‡ Ibid. 21st July. Ellis, vol. iv. p. 117.
§ D'Oyley, vol. i. p. 324.

versity of Oxford refused so small a compliance as that of conferring the degree of doctor of divinity on their Bishop, according to the royal mandamus *, and hastened to elect the young Duke of Ormonde to be their Chancellor on the death of his grandfather, in order to escape the imposition of Jeffreys, in whose favour they apprehended a recommendation from the Court.

Several symptoms now indicated that the national discontents had infected the armed force. The seamen of the squadron at the Nore received some monks who were sent to officiate among them with boisterous marks of derision and aversion; and, though the tumult was composed by the presence of the King, it left behind dispositions favourable to the purposes of disaffected officers. James's proceedings respecting the army were uniformly impolitic. He had, very early, boasted of the number of his guards who were converted to his religion; thus disclosing to them the dangerous secret of their importance to his designs. † The sensibility evinced at the Tower and at Lambeth, betokened a proneness to fellow-feeling with the people, which Sunderland had before intimated to the Nuncio, and of which he had probably forewarned his master. After the triumph of the Prelates, on which occasion the feelings of the army declared themselves still more loudly, the King had recourse to the very doubtful expedient of paying open court to it. He dined twice a week in the camp ‡, and showed an anxiety to ingratiate himself by a display of affability, of precautions for the comfort, and of pride in the discipline and appearance of the troops. Without the boldness which quells a mutinous spirit, or the firmness which, where activity would be injurious, can quietly look at a danger till it disappears or may be surmounted, he yielded to the restless fearfulness which seeks a

* Sayers' News Letter, 25th July.

† D'Adda, 5th Dec. 1687. M.S. ‡ Ellis, vol. iv. p. 111.

momentary relief in rash and mischievous efforts, that rouse many rebellious tempers and subdue none. A written test was prepared, which even the privates were required to subscribe, by which they bound themselves to contribute to the repeal of the penal laws.* It was first to be tendered to the regiments who were most confidently expected to set a good example to the others. The experiment was first tried on Lord Lichfield's, and all who hesitated to comply with the King's commands were ordered to lay down their arms:— the whole regiment, except two captains and a few Catholic privates, actually laid down their arms. The King was thunderstruck; and, after a gloomy moment of silence, ordered them to take up their muskets, saying, "that he should not again do them the honour to consult them."† When the troops returned from the encampment to their quarters, another plan was attempted for securing their fidelity, by the introduction of trustworthy recruits. With this view, fifty Irish Catholics were ordered to be equally distributed among the ten companies of the Duke of Berwick's regiment at Portsmouth, which, having already a colonel incapacitated by law, was expected to be better disposed to the reception of recruits liable to the same objection. But the experiment was too late, and was also conducted with a slow formality alien to the genius of soldiers. The officers were now actuated by the same sentiments with their own class in society. Beaumont, the lieutenant-colonel, and the five captains who were present, positively refused to comply. They were brought to Windsor under an escort of cavalry, tried by a council of war, and

* Johnstone, 2d July. MS. Oldmixon, vol. i. p. 739.

† Kennet, vol. iii. p. 516. Ralph speaks doubtfully of this scene, of which, indeed, no writer has mentioned the place or time. The written test is confirmed by Johnstone, and Kennet could hardly have been deceived about the sequel. The place must have been the camp at Hounslow, and the time was probably about the middle of July.

sentenced to be cashiered. The King now relented, or rather faltered, offering pardon, on condition of obedience,—a fault as great as the original attempt: they all refused. The greater part of the other officers of the regiment threw up their commissions; and, instead of intimidation, a great and general discontent was spread throughout the army. Thus, to the odium incurred by an attempt to recruit it from those who were deemed the most hostile of foreign enemies, was superadded the contempt which feebleness in the execution of obnoxious designs never fails to inspire.*

Thus, in the short space of three years from the death of Monmouth and the destruction of his adherents, when all who were not zealously attached to the Crown seemed to be dependent on its mercy, were all ranks and parties of the English nation, without any previous show of turbulence, and with not much of that cruel oppression of individuals which is usually necessary to awaken the passions of a people, slowly and almost imperceptibly conducted to the brink of a great revolution. The appearance of the Prince of Wales filled the minds of those who believed his legitimacy with terror; while it roused the warmest indignation of those who considered his supposed birth as a flagitious imposture. Instead of the government of a Protestant successor, it presented, after the death of James, both during the regency of the Queen, and the reign of a prince educated under her superintendence, no prospect but an administration certainly not more favourable than his to religion and liberty. These apprehensions had been brought home to the feelings of the people by the trial of the Bishops, and had at last affected even the army, the last resource of power,—a tremendous weapon, which cannot burst without threatening destruction to all around, and which, if it were not sometimes happily so overcharged

* Reresby, p. 270., who seems to have been a captain in this regiment. Burnet, vol. iii. p. 272.

as to recoil on him who wields it, would rob all the slaves in the world of hope, and all the freemen of safety.

The state of the other British kingdoms was not such as to abate the alarms of England. In Ireland the government of Tyrconnel was always sufficiently in advance of the English minister to keep the eyes of the nation fixed on the course which their rulers were steering:* Its influence in spreading alarm and disaffection through the other dominions of the King, was confessed by the ablest and most zealous of his apologists.

Scotland was also a mirror in which the English nation might behold their approaching doom. The natural tendency of the Dispensing and Suspending Powers to terminate in the assumption of the whole authority of legislation, was visible in the Declarations of Indulgence issued in that kingdom. They did not, as in England, profess to be founded on limited and peculiar prerogatives of the King, either as the head of the Church or as the fountain of justice, nor on usages and determinations which, if they sanctioned such acts of power, at least confined them within fixed boundaries, but upon what the King himself displayed, in all its amplitude and with all its terrors, as "our sovereign authority, prerogative royal, and absolute power, which all our subjects are bound to obey without reservation."† In the exercise of this

* "I do not vindicate all that Lord Tyrconnel, and others, did in Ireland before the Revolution; which, most of anything, brought it on. I am sensible that their carriage gave greater occasion to King James's enemies than all the other mal-administrations charged upon his government." Leslie, Answer to King's State of the Protestants, p. 73. Leslie is the ablest of James's apologists. He skilfully avoids all the particulars of Tyrconnel's government before the Revolution. That silence, and this general admission, may be considered as conclusive evidence against it.

† Proclamation, 12th Feb. 1687. Wodrow, vol. ii., app. no. cxxix. "We here in England see what we must look to. A

alarming power, not only were all the old oaths taken away, but a new one, professing passive obedience, was proposed as the condition of toleration. A like Declaration in 1688, besides the repetition of so high an act of legislative power as that of "annulling" oaths which the legislature had prescribed, proceeds to dissolve all the courts of justice and bodies of magistracy in that kingdom, in order that by their acceptance of new commissions conformably to the royal pleasure, they might renounce all former oaths; —so that every member of them would hold his office under the Suspending and even Annulling Powers, on the legitimacy of which the whole judicature and administration of the realm would thus exclusively rest.* Blood had now ceased to flow for religion; and the execution of Renwick†, a pious and intrepid minister, who, according to the principles of the Cameronians, openly denied James II. to be his rightful sovereign, is rather an apparent than a real exception: for the offence imputed to him was not of a religious nature, and must have been punished by every established authority; though an impartial observer would rather regret the imprudence than question the justice of such a declaration from the mouths of these perse-

Parliament in Scotland proved a little stubborn; now *absolute power* comes to set all right: so when the closeting has gone round, we may perhaps see a Parliament here: but if it chance to be untoward, then our reverend judges will copy from Scotland, and will discover to us this new mystery of absolute power, which we are all obliged to obey without reserve." Burnet, Reflections on Proclamation for Toleration.

* Proclamation, 15th May. Wodrow, vol. ii. app. no. cxxxviii. Fountainhall, vol. i. p. 504. The latter writer informs us, that "this occasioned several sheriffs to forbear awhile." Perth, the Scotch Chancellor, who carried this Declaration to Scotland, assured the Nuncio, before leaving London, "that the royal prerogative was then so extensive as not to require the concurrence of Parliament, which was only an useful corroboration." D'Adda, 21st May, MS.

† On the 17th Feb. 1688.

cuted men. Books against the King's religion were reprehended or repressed by the Privy Council.* Barclay, the celebrated Quaker, was at this time in such favour, that he not only received a liberal pension, but had influence enough to procure an indecent, but successful, letter from the King to the Court of Session, in effect annulling a judgment for a large sum of money which had been obtained against Sir Ewen Cameron, a bold and fierce chieftain, the brother-in-law of the accomplished and pacific apologist.† Though the clergy of the established Church had two years before resisted an unlimited toleration by prerogative, yet we are assured by a competent witness, that their opposition arose chiefly from the fear that it would encourage the unhappy Presbyterians, then almost entirely ruined and scattered through the world.‡ The deprivation of two prelates, Bruce, Bishop of Dunkeld, for his conduct in Parliament, and Cairncross, Archbishop of Glasgow, in spite of subsequent submission, for not censuring a preacher against the Church of Rome §, showed the English clergy that suspensions like that of Compton might be followed by more decisive measures; but seems to have silenced the complaints of the Scottish Church. From that time, at least, their resistance to the Court entirely ceased. It was followed by symptoms of an opposite disposition; among which may probably be reckoned the otherwise inexplicable return, to the office of Lord Advocate, of the eloquent Sir George

* A bookseller in Edinburgh was "threatened for publishing an account of the persecution in France." Fountainhall, 8th Feb. 1688. Cockburn, a minister, was forbidden to continue a Review, taken chiefly from Le Clerc's Bibliothèque Universelle, containing some extracts from Mabillon's Iter Italicum, which were supposed to reflect on the Church of Rome.

† Fountainhall, 2d June.

‡ Balcarras, Affairs of Scotland (London, 1714), p. 8.

§ Skinner, Ecclesiastical History of Scotland, vol. ii. pp. 500–504.

Mackenzie, their principal instrument in the cruel persecution of the Presbyterians,—who now accepted that station at the moment of the triumph of those principles by opposing which he had forfeited it two years before.* The Primate prevailed on the University of St. Andrews to declare, by an address to the King, their opinion that he might take away the penal laws without the consent of Parliament.† No manifestation of sympathy appears to have been made towards the English Bishops, at the moment of their danger, or of their triumph, by their brethren in Scotland. At a subsequent period, when the prelates of England offered wholesome and honest counsel to their Sovereign, those of Scotland presented an address to him, in which they prayed that "God might give him the hearts of his subjects and the necks of his enemies."‡ In the awful struggle in which the English nation and Church were about to engage, they had to number the Established Church of Scotland among their enemies.

CHAP. IX.

DOCTRINE OF OBEDIENCE. — RIGHT OF RESISTANCE. — COMPARISON OF FOREIGN AND CIVIL WAR. — RIGHT OF CALLING AUXILIARIES.—RELATIONS OF THE PEOPLE OF ENGLAND AND OF HOLLAND.

THE time was now come when the people of England were called upon to determine, whether they should by longer submission sanction the usurpations and encourage the further encroachments of the Crown, or take up arms against the established authority of their Sovereign for the defence of their legal rights,

* Fountainhall, 23d February.
† Id. 29th March.
‡ Skinner, vol. ii. p. 513.

as well as of those safeguards which the constitution had placed around them. Though the solution of this tremendous problem requires the calmest exercise of reason, the circumstances which bring it forward commonly call forth mightier agents, which disturb and overpower the action of the understanding. In conjunctures so awful, where men feel more than they reason, their conduct is chiefly governed by the boldness or wariness of their nature, by their love of liberty or their attachment to quiet, by their proneness or slowness to fellow-feeling with their countrymen. The generous virtues and turbulent passions rouse the brave and aspiring to resistance; some gentle virtues and useful principles second the qualities of human nature in disposing many to submission. The duty of legal obedience seems to forbid that appeal to arms which the necessity of preserving law and liberty allows, or rather demands. In such a conflict there is little quiet left for moral deliberation. Yet by the immutable principles of morality, and by them alone, must the historian try the conduct of all men, before he allows himself to consider all the circumstances of time, place, opinion, example, temptation, and obstacle, which, though they never authorise a removal of the everlasting landmarks of right and wrong, ought to be well weighed, in allotting a due degree of commendation or censure to human actions.

The English law, like that of most other countries, lays down no limits of obedience. The clergy of the Established Church, the authorised teachers of public morality, carried their principles much farther than was required by a mere concurrence with this cautious silence of the law. Not content with inculcating, in common with all other moralists, religious or philosophical obedience to civil government as one of the most essential duties of human life, the English Church perhaps alone had solemnly pronounced that in the conflict of obligations no other rule of duty could, under any circumstances,

become more binding than that of allegiance. Even the duty which seems paramount to every other,—that which requires every citizen to contribute to the preservation of the community,—ceased, according to their moral system, to have any binding force, whenever it could not be performed without resistance to established government. Regarding the power of a monarch as more sacred than the paternal authority from which they vainly laboured to derive it, they refused to nations oppressed by the most cruel tyrants* those rights of self-defence which no moralist or lawgiver had ever denied to children against unnatural parents. To palliate the extravagance of thus representing obedience as the only duty without an exception, an appeal was made to the divine origin of government;—as if every other moral rule were not, in the opinion of all theists, equally enjoined and sanctioned by the Deity. To denote these singular doctrines, it was thought necessary to devise the terms of "passive obedience" and "non-resistance,"—uncouth and jarring forms of speech, not unfitly representing a violent departure from the general judgment of mankind. This attempt to exalt submission so high as to be always the highest duty, constituted the undistinguishing loyalty of which the Church of England boasted as her exclusive attribute, in contradistinction to the other Reformed communions, as well as to the Church of Rome. At the dawn of the Reformation it had been promulgated in the Homilies or discourses appointed by the Church to be read from the pulpit to the people†; and all deviations from it had been recently condemned by the University of Oxford with the solemnity of a decree from Rome or from Trent.‡ The Seven Bishops themselves, in the very

* Interpretation of Romans, xiii. 1—7., written under Nero. See, among many others, South, Sermon on 5th November, 1663.

† Homilies of Edward VI. and Elizabeth.

‡ Parliamentary History, 20th July, 1683.

Petition which brought the contest with the Crown to a crisis, boasted of the inviolable obedience of their Church, and of the honour conferred on them by the King's repeated acknowledgments of it. Nay, all the ecclesiastics and the principal laymen of the Church had recorded their adherence to the same principles, in a still more solemn and authoritative mode. By the Act of Uniformity*, which restored the legal establishment of the Episcopal Church, it was enacted that every clergyman, schoolmaster, and private tutor should subscribe a declaration, affirming that "it was not lawful on any pretext to take up arms against the King," which members of corporations† and officers of militia‡ were by other statutes of the same period also compelled to swear;—to say nothing of the still more comprehensive oath which the High-Church leaders, thirteen years before the trial of the Bishops, had laboured to impose on all public officers, magistrates, ecclesiastics, and members of both Houses of Parliament.

That no man can lawfully promise what he cannot lawfully do is a self-evident proposition. That there are some duties superior to others, will be denied by no one; and that when a contest arises the superior ought to prevail, is implied in the terms by which the duties are described. It can hardly be doubted that the highest obligation of a citizen is that of contributing to preserve the community; and that every other political duty, even that of obedience to the magistrates, is derived from and must be subordinate to it. It is a necessary consequence of these simple truths, that no man who deems self-defence lawful in his own case, can, by any engagement, bind himself not to defend his country against foreign or domestic enemies. Though the opposite propositions really involve a contradiction in terms, yet declarations of

* 14 Ch. II. c. 4.
† 13 Ch. II. stat. ii. c. 1. ‡ 14 Ch. II. c. 3.

their truth were imposed by law, and oaths to renounce the defence of our country were considered as binding, till the violent collision of such pretended obligations with the security of all rights and institutions awakened the national mind to a sense of their repugnance to the first principles of morality. Maxims, so artificial and over-strained, which have no more root in nature than they have warrant from reason, must always fail in a contest against the affections, sentiments, habits, and interests which are the motives of human conduct,—leaving little more than compassionate indulgence to the small number who conscientiously cling to them, and fixing the injurious imputation of inconsistency on the great body who forsake them for better guides.

The war of a people against a tyrannical government may be tried by the same tests which ascertain the morality of a war between independent nations. The employment of force in the intercourse of reasonable beings is never lawful, but for the purpose of repelling or averting wrongful force. Human life cannot lawfully be destroyed, or assailed, or endangered, for any other object than that of just defence. Such is the nature and such the boundary of legitimate self-defence in the case of individuals. Hence the right of the lawgiver to protect unoffending citizens by the adequate punishment of crimes: hence, also, the right of an independent state to take all measures necessary to her safety, if it be attacked or threatened from without; provided always that reparation cannot otherwise be obtained, that there is a reasonable prospect of obtaining it by arms, and that the evils of the contest are not probably greater than the mischiefs of acquiescence in the wrong; including, on both sides of the deliberation, the ordinary consequences of the example, as well as the immediate effects of the act. If reparation can otherwise be obtained, a nation has no necessary, and therefore no just cause of war; if there be no probability of ob-

taining it by arms, a government cannot, with justice to their own nation, embark it in war; and if the evils of resistance should appear, on the whole, greater than those of submission, wise rulers will consider an abstinence from a pernicious exercise of right as a sacred duty to their own subjects, and a debt which every people owes to the great commonwealth of mankind, of which they and their enemies are alike members. A war is just against the wrongdoer when reparation for wrong cannot otherwise be obtained; but it is then only conformable to all the principles of morality, when it is not likely to expose the nation by whom it is levied to greater evils than it professes to avert, and when it does not inflict on the nation which has done the wrong sufferings altogether disproportioned to the extent of the injury. When the rulers of a nation are required to determine a question of peace or war, the bare justice of their case against the wrongdoer never can be the sole, and is not always the chief matter on which they are morally bound to exercise a conscientious deliberation. Prudence in conducting the affairs of their subjects is, in them, a part of justice.

On the same principles the justice of a war made by a people against their own government must be examined. A government is entitled to obedience from the people, because without obedience it cannot perform the duty, for which alone it exists, of protecting them from each other's injustice. But when a government is engaged in systematically oppressing a people, or in destroying their securities against future oppresion, it commits the same species of wrong towards them which warrants an appeal to arms against a foreign enemy. A magistrate who degenerates into a systematic oppressor shuts the gates of justice, and thereby restores them to their original right of defending themselves by force. As he withholds the protection of law from them, he forfeits his moral claim to enforce their obedience by the authority

of law. Thus far civil and foreign war stand on the same moral foundation: the principles which determine the justice of both against the wrongdoer, are, indeed, throughout, the same.

But there are certain peculiarities, of great importance in point of fact, which in other respects permanently distinguish them from each other. The evils of failure are greater in civil than in foreign war. A state generally incurs no more than loss in war: a body of insurgents is exposed to ruin. The probabilities of success are more difficult to calculate in cases of internal contest than in a war between states, where it is easy to compare those merely material means of attack and defence which may be measured or numbered. An unsuccessful revolt strengthens the power and sharpens the cruelty of the tyrannical ruler; while an unfortunate war may produce little of the former evil and of the latter nothing. It is almost peculiar to intestine war that success may be as mischievous as defeat. The victorious leaders may be borne along by the current of events far beyond their destination; a government may be overthrown which ought to have been only repaired; and a new, perhaps a more formidable tyranny may spring out of victory. A regular government may stop before its fall becomes precipitate, or check a career of conquest when it threatens destruction to itself: but the feeble authority of the chiefs of insurgents is rarely able, in the one case, to maintain the courage, in the other to repress the impetuosity, of their voluntary adherents. Finally, the cruelty and misery incident to all warfare are greater in domestic dissension than in contests with foreign enemies. Foreign wars have little effect on the feelings, habits, or condition of the majority of a great nation, to most of whom the worst particulars of them may be unknown. But civil war brings the same or worse evils into the heart of a country and into the bosom of many families: it eradicates all habits of recourse to justice and reve-

rence for law; its hostilities are not mitigated by the usages which soften wars between nations; it is carried on with the ferocity of parties who apprehend destruction from each other; and it may leave behind it feuds still more deadly, which may render a country depraved and wretched through a long succession of ages. As it involves a wider waste of virtue and happiness than any other species of war, it can only be warranted by the sternest and most dire necessity. The chiefs of a justly disaffected party are unjust to their fellows and their followers, as well as to all the rest of their countrymen, if they take up arms in a case where the evils of submission are not more intolerable, the impossibility of reparation by pacific means more apparent, and the chances of obtaining it by arms greater than are necessary to justify the rulers of a nation in undertaking a foreign war. A wanton rebellion, when considered with the aggravation of its ordinary consequences, is one of the greatest of crimes. The chiefs of an inconsiderable and ill-concerted revolt, however provoked, incur the most formidable responsibility to their followers and their country. An insurrection rendered necessary by oppression, and warranted by a reasonable probability of a happy termination, is an act of public virtue, always environed with so much peril as to merit admiration.

In proportion to the degree in which a revolt spreads over a large body till it approaches unanimity, the fatal peculiarities of civil war are lessened. In the insurrection of provinces, either distant or separated by natural boundaries,—more especially if the inhabitants, differing in religion and language, are rather subjects of the same government than portions of the same people,—hostilities which are waged only to sever a legal tie may assume the regularity, and in some measure the mildness, of foreign war. Free men, carrying into insurrection those habits of voluntary obedience to which they have been trained,

are more easily restrained from excess by the leaders in whom they have placed their confidence. Thus far it may be affirmed, happily for mankind, that insurgents are most humane where they are likely to be most successful. But it is one of the most deplorable circumstances in the lot of man, that the subjects of despotic governments, and still more those who are doomed to personal slavery, though their condition be the worst, and their revolt the most just, are disabled from conducting it to a beneficial result by the very magnitude of the evils under which they groan; for the most fatal effect of the yoke is, that it darkens the understanding and debases the soul; and that the victims of long oppression, who have never imbibed any noble principle of obedience, throw off every curb when they are released from the chain and the lash. In such wretched conditions of society, the rulers may, indeed, retain unlimited power as the moral guardians of the community, while they are conducting the arduous process of gradually transforming slaves into men; but they cannot justly retain it without that purpose, or longer than its accomplishment requires: and the extreme difficulty of such a reformation, as well as the dire effects of any other emancipation, ought to be deeply considerered, as proofs of the enormous guilt of those who introduce any kind or degree of unlimited power, as well as of those who increase, by their obstinate resistance, the natural obstacles to the pacific amendment of evils so tremendous.

The frame of the human mind, and the structure of civilised society, have adapted themselves to these important differences between civil and foreign war. Such is the force of the considerations which have been above enumerated;—so tender is the regard of good men for the peace of their native country,—so numerous are the links of interest and habit which bind those of a more common sort to an establishment,—so difficult and dangerous is it for the bad

and bold to conspire against a tolerably vigilant administration, — the evils which exist in moderate governments appear so tolerable, and those of absolute despotism so incorrigible, that the number of unjust wars between states unspeakably surpasses those of wanton rebellions against the just exercise of authority. Though the maxim that there are no unprovoked revolts, ascribed to the Duc de Sully, and adopted by Mr. Burke*, cannot be received without exceptions, it must be owned that in civilised times mankind have suffered less from a mutinous spirit than from a patient endurance of bad government.

Neither can it be denied that the objects for which revolted subjects take up arms do, in most cases, concern their safety and well-being more deeply than the interests of states are in general affected by the legitimate causes of regular war. A nation may justly make war for the honour of her flag, or for dominion over a rock, if the one be insulted, and the other be unjustly invaded; because acquiescence in the outrage or the wrong may lower her reputation, and thereby lessen her safety. But if these sometimes faint and remote dangers justify an appeal to arms, shall it be blamed in a people who have no other chance of vindicating the right to worship God according to their consciences, — to be exempt from imprisonment and exaction at the mere will and pleasure of one or a few, and to enjoy as perfect a security for their persons, for the free exercise of their industry, and for the undisturbed enjoyment of its fruits, as can be devised by human wisdom under equal laws and a pure administration of justice? What foreign enemy could do a greater wrong to a community than the ruler who would reduce them to hold these interests by no higher tenure than the duration of his pleasure? What war can be more

* Thoughts on the Present Discontents.

necessary than that which is waged in defence of ancient laws and venerable institutions, which, as far as they are suffered to act, have for ages approved themselves to be the guard of all these sacred privileges,—the shield which protects Reason in her fearless search of truth, and Conscience in the performance of her humble duty towards God,—the nursery of genius and valour,—the spur of probity, humanity, and generosity,—of every faculty of man?

As James was unquestionably an aggressor, and the people of England drew their swords only to prevent him from accomplishing a revolution which would have changed a legal and limited power into a lawless despotism, it is needless, on this occasion, to moot the question, whether arms may be as justly wielded to obtain as to defend liberty. It may, however, be observed, that the rulers who obstinately persist in withholding from their subjects securities for good government, obviously necessary for the permanence of that blessing, generally desired by competently informed men, and capable of being introduced without danger to public tranquillity, appear thereby to place themselves in a state of hostility against the nation whom they govern. Wantonly to prolong a state of insecurity seems to be as much an act of aggression as to plunge a nation into it. When a people discover their danger, they have a moral claim on their governors for security against it. As soon as a distemper is discovered to be dangerous, and a safe and effectual remedy has been found, those who withhold the remedy are as much morally answerable for the deaths which may ensue as if they had administered poison. But though a reformatory revolt may in these circumstances become perfectly just, it has not the same likelihood of a prosperous issue with those insurrections which are more strictly and directly defensive. A defensive revolution, the sole purpose of which is to preserve and secure the laws, has a fixed boundary, conspicuously marked out by

the well-defined object which it pursues, and which it seldom permanently over-reaches; and it is thus exempt from that succession of changes which disturbs all habits of peaceable obedience, and weakens every authority not resting on mere force.

Whenever war is justifiable, it is lawful to call in auxiliaries. But though always legitimate against a foreign or domestic enemy, it is often in civil contentions peculiarly dangerous to the wronged people themselves. It must always hazard national independence, and will therefore be the last resource of those who love their country. Good men, more especially if they are happy enough to be the natives of a civilised, and still more of a free country, religiously cultivate their natural repugnance to a remedy of which despair alone can warrant the employment. Yet the dangers of seeking foreign aid vary extremely in different circumstances, and these variations are chiefly regulated by the power, the interest, and the probable disposition of the auxiliary to become an oppressor. The perils are the least where the inferiority of national strength in the foreign ally is such as to forbid all projects of conquest, and where the independence and greatness of the nation to be succoured are the main or sole bulwarks of his own.

These fortunate peculiarities were all to be found in the relations between the people of England and the republic of the United Provinces; and the two nations were farther united by their common apprehensions from France, by no obscure resemblance of national character, by the strong sympathies of religion and liberty, by the remembrance of the renowned reign in which the glory of England was founded on her aid to Holland, and, perhaps, also by the esteem for each other which both these maritime nations had learnt in the fiercest and most memorable combats, which had been then celebrated in the annals of naval warfare. The British people derived a new security from the dangers of foreign inter-

position from the situation of him who was to be the chief of the enterprise to be attempted for their deliverance, who had as deep an interest in their safety and well-being as in those of the nation whose forces he was to lead to their aid. William of Nassau, Prince of Orange, Stadtholder of the republic of the United Provinces, had been, before the birth of the Prince of Wales, first Prince of the Blood Royal of England: and his consort the Lady Mary, the eldest daughter of the King, was at that period presumptive heiress to the Crown.

AN ACCOUNT

OF

THE PARTITION OF POLAND.*

LITTLE more than fifty years have passed since Poland occupied a high place among the Powers of Europe. Her natural means of wealth and force were inferior to those of few states of the second order. The surface of the country exceeded that of France; and the number of its inhabitants was estimated at fourteen millions,—a population probably exceeding that of the British Islands, or of the Spanish Peninsula, at that time. The climate was nowhere unfriendly to health, or unfavourable to labour; the soil was fertile, the produce redundant: a large portion of the country, still uncleared, afforded ample scope for agricultural enterprise. Great rivers afforded easy means of opening an internal navigation from the Baltic to the Mediterranean. In addition to these natural advantages, there were many of those circumstances in the history and situation of Poland which render a people fond and proud of their country, and foster that national spirit which is the most effectual instrument either of defence or aggrandisement. Till the middle of the seventeenth century, she had been the predominating power of the North. With Hungary, and the maritime strength of Venice, she had formed the eastern defence of

* From the Edinburgh Review, vol. xxxvii. p. 463.

Christendom against the Turkish tyrants of Greece; and, on the north-east, she had been long its sole barrier against the more obscure barbarians of Muscovy. A nation which thus constituted a part of the vanguard of civilisation, necessarily became martial, and gained all the renown in arms which could be acquired before war had become a science. The wars of the Poles, irregular, romantic, full of personal adventure, depending on individual courage and peculiar character, proceeding little from the policy of Cabinets, but deeply imbued by those sentiments of chivalry which may pervade a nation, chequered by extraordinary vicissitudes, and carried on against barbarous enemies, in remote and wild provinces, were calculated to leave a deep impression on the feelings of the people, and to give every man the liveliest interest in the glories and dangers of his country. Whatever renders the members of a community more like each other, and unlike their neighbours, usually strengthens the bonds of attachment between them. The Poles were the only representatives of the Sarmatian race in the assembly of civilised nations. Their language and their national literature — those great sources of sympathy and objects of national pride — were cultivated with no small success. They contributed, in one instance, signally to the progress of science; and they took no ignoble part in those classical studies which composed the common literature of Europe. They were bound to their country by the peculiarities of its institutions and usages, — perhaps, also, by those dangerous privileges, and by that tumultuary independence which rendered their condition as much above that of the slaves of an absolute monarchy, as it was below the lot of those who inherit the blessings of legal and moral freedom. They had once another singularity, of which they might justly have been proud, if they had not abandoned it in times which ought to have been more enlightened. Soon after the Reformation,

they had set the first example of that true religious liberty which equally admits the members of all sects to the privileges, the offices, and dignities of the commonwealth. For nearly a century they had afforded a secure asylum to those obnoxious sects of Anabaptists and Unitarians, whom all other states excluded from toleration; and the Hebrew nation, proscribed everywhere else, found a second country, with protection for their learned and religious establishments, in this hospitable and tolerant land. A body, amounting to about half a million, professing the equality of gentlemen amidst the utmost extremes of affluence and poverty, forming at once the legislature and the army, or rather constituting the commonwealth, were reproached, perhaps justly, with the parade, dissipation, and levity, which generally characterise the masters of slaves: but their faculties were roused by ambition; they felt the dignity of conscious independence; and they joined to the brilliant valour of their ancestors, an uncommon proportion of the accomplishments and manners of a polished age. Even in the days of her decline, Poland had still a part allotted to her in the European system. By her mere situation, without any activity on her own part, she in some measure prevented the collision, and preserved the balance, of the three greatest military powers of the Continent. She constituted an essential member of the federative system of France; and, by her vicinity to Turkey, and influence on the commerce of the Baltic, directly affected the general interest of Europe. Her preservation was one of the few parts of continental policy in which both France and England were concerned; and all governments dreaded the aggrandisement of her neighbours. In these circumstances, it might have been thought that the dismemberment of the territory of a numerous, brave, ancient, and renowned people, passionately devoted to their native land, without colour of right or pretext of offence, in a period of profound peace, in defiance of the law of

nations, and of the common interest of all states, was an event not much more probable, than that it should have been swallowed up by a convulsion of nature. Before that dismemberment, nations, though exposed to the evils of war and the chance of conquest, in peace placed some reliance on each other's faith. The crime has, however, been triumphantly consummated. The principle of the balance of power has perished in the Partition of Poland.

The succession to the crown of Poland appears, in ancient times, to have been governed by that rude combination of inheritance and election which originally prevailed in most European monarchies, where there was a general inclination to respect hereditary claims, and even the occasional elections were confined to the members of the reigning family. Had not the male heirs of the house of Jagellon been extinct, or had the rule of female succession been introduced, it is probable that the Polish monarchy would have become strictly hereditary. The inconveniences of the elective principle were chiefly felt in the admission of powerful foreign princes as candidates for the crown: but that form of government proved rather injurious to the independence, than to the internal peace of the country. More than a century, indeed, elapsed before the mischief was felt. In spite of the ascendant acquired by Sweden in the affairs of the North, Poland still maintained her high rank. Her last great exertion, when John Sobieski, in 1683, drove the Turks from the gates of Vienna, was worthy of her ancient character as the guardian of Christendom.

His death, in 1696, first showed that the admission of such competition might lead to the introduction of foreign influence, and even arms. The contest which then occurred between the Prince of Conti and Augustus, Elector of Saxony, had been decided in favour of the latter by his own army, and by Russian influence, when Charles XII., before he had reached the

age of twenty, having already compelled Denmark to submit, and defeated a great Russian army, entered Warsaw in triumph, deposed him as an usurper raised to the royal dignity by foreign force, and obliged him, by express treaty, to renounce his pretensions to the crown. Charles was doubtless impelled to these measures by the insolence of a youthful conqueror, and by resentment against the Elector; but he was also influenced by those rude conceptions of justice, sometimes degenerating into cruelty, which were blended with his irregular ambition. He had the generosity, however, to spare the territory of the republic, and the good sense to propose the son of the great Sobieski to fill the vacant throne; — a proposal which, had it been successful, might have banished foreign factions, by gradually conferring on a Polish family an hereditary claim to the crown. But the Saxons, foreseeing such a measure, carried away young Sobieski a prisoner. Charles then bestowed it on Stanislaus Leczinski, a Polish gentleman of worth and talent, but destitute of the genius and boldness which the public dangers required, and by the example of a second king enthroned by a foreign army, struck another blow at the independence of Poland. The treaty of Alt-Ranstadt was soon after annulled by the battle of Pultowa; and Augustus, renewing the pretensions which he had solemnly renounced, returned triumphantly to Warsaw. The ascendant of the Czar was for a moment suspended by the treaty of Pruth in 1711, where the Turks compelled Peter to swear that he would withdraw his troops from Poland, and never to interfere in its internal affairs; but as soon as the Porte were engaged in a war with Austria, he marched an army into it; and the first example of a compromise between the King and the Diet, under the mediation of a Russian ambassador, and surrounded by Russian troops, was exhibited in 1717.

The death of Augustus, in 1733, had nearly occa-

sioned a general war throughout Europe. The interest of Stanislaus, the deposed king, was espoused by France, partly perhaps because Louis XV. had married his daughter, but chiefly because the cause of the new Elector of Saxony, who was his competitor, was supported by Austria, the ally of England, and by Russia, then closely connected with Austria. The Court of Petersburgh then set up the fatal pretext of a guarantee of the Polish constitution, founded on the transactions of 1717. A guarantee of the territories and rights of one independent state against others is perfectly compatible with justice; but a guarantee of the institutions of a people against themselves, is but another name for its dependence on the foreign power which enforces it. In pursuance of this pretence, the country was invaded by sixty thousand Russians, who ravaged with fire and sword every district which opposed their progress; and a handful of gentlemen, some of them in chains, whom they brought together in a forest near Warsaw, were compelled to elect Augustus III.

Henceforward Russia treated Poland as a vassal. She indeed disappeared from the European system,—was the subject of wars and negociations, but no longer a party engaged in them. Under Augustus III., she was almost as much without government at home as without influence abroad, slumbering for thirty years in a state of pacific anarchy, which is almost without example in history. The Diets were regularly assembled, conformably to the laws; but each one was dissolved, without adopting a single measure of legislation or government. This extraordinary suspension of public authority arose from the privilege which each nuncio possessed, of stopping any public measure, by declaring his dissent from it, in the well-known form of the *Liberum Veto.* To give a satisfactory account of the origin and progress of this anomalous privilege, would probably require more industrious and critical research than were applied to the subject

when Polish antiquaries and lawyers existed.* The absolute negative enjoyed by each member seems to have arisen from the principle, that the nuncios were not representatives, but ministers; that their power was limited by the imperative instructions of the provinces; that the constitution was rather a confederacy than a commonwealth; and that the Diet was not so much a deliberative assembly, as a meeting of delegates, whose whole duty consisted in declaring the determination of their respective constituents. Of such a state of things, unanimity seemed the natural consequence. But, as the sovereign power was really vested in the gentry, they were authorised, by the law, to interfere in public affairs, in a manner most inconvenient and hazardous, though rendered in some measure necessary by the unreasonable institution of unanimity. This interference was effected by that species of legal insurrection called a "confederation," in which any number of gentlemen subscribing the alliance, bound themselves to pursue, by force of arms, its avowed object, either of defending the country, or preserving the laws, or maintaining the privileges of any class of citizens. It was equally lawful for another body to associate themselves against the former; and the war between them was legitimate. In these confederations, the sovereign power released itself from the restraint of unanimity; and in order to obtain that liberty, the Diet sometimes resolved itself into a confederation, and lost little by being obliged to rely on the zeal of voluntary adherents, rather than on the legal obedience of citizens.

On the death of Augustus III., it pleased the Empress Catharine to appoint Stanislaus Poniatowski, a discarded lover, to the vacant throne, — a man who possessed many of the qualities and accomplishments which are attractive in private life; but who, when he

* The information on this subject in Lengnich (Jus Publicum Poloniæ is vague and unsatisfactory.

was exposed to the tests of elevated station and public danger, proved to be utterly void of all dignity and energy. Several circumstances in the state of Europe enabled her to bestow the crown on him without resistance from foreign powers. France was unwilling to expose herself so early to the hazard of a new war, and was farther restrained by her recent alliance with Austria; and the unexpected death of the Elector of Saxony deprived the Courts of Versailles and Vienna of the competitor whom they could have supported with most hope of success against the influence of the Czarina. Frederic II., abandoned, or (as he himself with reason thought) betrayed by England*, found himself, at the general peace, without an ally, exposed to the deserved resentment of Austria, and no longer with any hope of aid from France, which had become the friend of his natural enemy. In this situation, he thought it necessary to court the friendship of Catharine, and in the beginning of the year 1764, concluded a defensive alliance with her, the stipulations of which with respect to Poland were, that they were to oppose every attempt either to make that crown hereditary or to strengthen the royal power; that they were to unite in securing the election of Stanislaus; and that they were to protect the Dissidents of the Greek and Protestant communions, who, since the year 1717, had been deprived of that equal admissibility to public office which was bestowed on them by the liberality of the ancient laws. The first of these stipulations was intended to perpetuate the confusions of Poland, and to insure her dependence on her neighbours; while the last would afford a specious pretext for constant interference. In a declaration delivered at Warsaw, Catharine asserted, "that

* Mémoires de Frederic II. 1763—1775. Introduction. Frederic charges the new Administration of Geo. III., not with breach of treaty in making peace without him, but with secretly offering to regain Silesia for Maria Theresa, and with labouring to embroil Peter III. with Prussia.

she did nothing but in virtue of the right of vicinage, acknowledged by all nations *;" and, on another occasion, observed, "that justice and humanity were the sole rules of her conduct; and that her virtues alone had placed her on the throne †:" while Frederic declared, that "he should constantly labour to defend the states of the republic in their integrity;" and Maria Theresa, a sovereign celebrated for piety and justice, assured the Polish Government of "her resolution to maintain the republic in all her rights, prerogatives and possessions." Catharine again, when Poland, for the first time, acknowledged "her title of Empress of all the Russias, granted to the republic a solemn guarantee of all its possessions!" ‡

Though abandoned by their allies and distracted by divisions, the Poles made a gallant stand against the appointment of the discarded lover of a foreign princess to be their King. One party, at the head of which was the illustrious house of Czartorinski, by supporting the influence of Russia, and the election of Stanislaus, hoped to obtain the power of reforming the constitution, of abolishing the veto, and giving due strength to the crown. The other, more generous though less enlightened, spurned at foreign interference, and made the most vigorous efforts to assert independence, but were unhappily averse to reforms of the constitution, wedded to ancient abuses, and resolutely determined to exclude their fellow-citizens of different religions from equal privileges. The leaders of the latter party were General Branicki, a veteran of Roman dignity and intrepidity, and Prince Radzivil, a youth of almost regal revenue and dignity, who, by a singular combination of valour and generosity with violence and wildness, exhibited a striking picture of a Sarmatian grandee. The events which

* Rulhière, Histoire de l'Anarchie de Pologne, vol. ii. p. 41.

† Ibid. p. 151.

‡ Ferrand, Histoire des trois Démembrements de la Pologne (Paris, 1820), p. 1.

passed in the interregnum, as they are related by Rulhière, form one of the most interesting parts of modern history. The variety of character, the elevation of mind, and the vigour of talent exhibited in the fatal struggle which then began, afford a memorable proof of the superiority of the worst aristocracy over the best-administered absolute monarchy. The most turbulent aristocracy, with all its disorders and insecurity, must contain a certain number of men who respect themselves, and who have some scope for the free exercise of genius and virtue.

In spite of all the efforts of generous patriotism, the Diet, surrounded by a Russian army, were compelled to elect Stanislaus. The Princes Czartorinski expected to reign under the name of their nephew. They had carried through their reforms so dexterously as to be almost unobserved; but Catharine had too deep an interest in the anarchy of Poland not to watch over its preservation. She availed herself of the prejudices of the party most adverse to her, and obliged the Diet to abrogate the reforms. Her ambassadors were her viceroys. Keyserling, a crafty and smooth German jurist, Saldern, a desperate adventurer, banished from Holstein for forgery, and Repnin, a haughty and brutal Muscovite, were selected, perhaps from the variety of their character, to suit the fluctuating circumstances of the country: but all of them spoke in that tone of authority which has ever since continued to distinguish Russian diplomacy. Prince Czartorinski was desirous not to be present in the Diet when his measures were repealed; but Repnin told him, that if he was not, his palaces should be burnt, and his estates laid waste. Understanding this system of Muscovite canvass, he submitted to the humiliation of proposing to abrogate those reformations which he thought essential to the existence of the republic.

In September of the same year, the Russian and Prussian ministers presented notes in favour of the

Dissidents *, and afterwards urged the claims of that body more fully to the Diet of 1766, when they were seconded with honest intentions, though perhaps with a doubtful right of interference, by Great Britain, Denmark, and Sweden, as parties to, or as guarantees of, the Treaty of Oliva, the foundation of the political system of the north of Europe. The Diet, influenced by the unnatural union of an intolerant spirit with a generous indignation against foreign interference, rejected all these solicitations, though undoubtedly agreeable to the principle of the treaty, and though some of them proceeded from powers which could not be suspected of unfriendly intentions. The Dissidents were unhappily prevailed upon to enter into confederations for the recovery of their ancient rights, and thus furnished a pretext for the armed interference of Russia. Catharine now affected to espouse the cause of the Republicans, who had resisted the election of Stanislaus. A general confederation of malcontents was formed under the auspices of Prince Radzivil at Radom, but surrounded by Russian troops, and subject to the orders of the brutal Repnin. This capricious barbarian used his power with such insolence as soon to provoke general resistance. He prepared measures for assembling a more subservient Diet by the utmost excesses of military violence at the elections, and by threats of banishment to Siberia held out to every one whose opposition he dreaded.

This Diet, which met on the 4th of October, 1767, showed at first strong symptoms of independence †, but was at length intimidated; and Repnin obtained its consent to a treaty ‡ stipulating for the equal admission of all religious sectaries to civil offices, containing a reciprocal guarantee "of *the integrity of the territories of both powers in the most solemn and sacred manner*," confirming the constitution of Po-

* Martens, Recueil de Traités, vol. i. p. 340.
† Rulhière, vol. ii. pp. 466. 470. ‡ Martens, vol. iv. p. 582.

land, especially the fatal law of unanimity, with a few alterations recently made by the Diet, and placing this "constitution, with the government, liberty, and rights of Poland, under the guarantee of her Imperial Majesty, who most solemnly promises to preserve the republic for ever entire." Thus, again, under the pretence of enforcing religious liberty, were the disorder and feebleness of Poland perpetuated; and by the principle of the foreign guarantee was her independence destroyed. Frederic II., an accomplice in these crimes, describes their immediate effect with the truth and coolness of an unconcerned spectator. "So many acts of sovereignty," says he, "exercised by a foreign power on the territory of the republic, at length excited universal indignation: the offensive measures were not softened by the arrogance of Prince Repnin: enthusiasm seized the minds of all, and the grandees availed themselves of the fanaticism of their followers and serfs, to throw off a yoke which had become insupportable." In this temper of the nation, the Diet rose on the 6th of March following, and with it expired the Confederation of Radom, which furnished the second example, within five years, of a Polish party so blind to experience as to become the dupes of Russia.

Another confederation was immediately formed at Bar, in Podolia, for the preservation of religion and liberty *, which, in a moment, spread over the whole kingdom. The Russian officers hesitated for a moment whether they could take a part in this intestine war. Repnin, by pronouncing the word "Siberia," compelled those members of the Senate who were at Warsaw to claim the aid of Russia, notwithstanding the dissent of the Czartorinskis and their friends, who protested against that inglorious and ruinous determination. The war that followed presented, on the part of Russia, a series of acts of treachery, falsehood,

* See their Manifesto, Martens, vol. i. p. 456.

rapacity, and cruelty, not unworthy of Cæsar Borgia. The resistance of the Poles, an undisciplined and almost unarmed people, betrayed by their King and Senate, in a country without fastnesses or fortifications, and in which the enemy had already established themselves at every important point, forms one of the most glorious, though the most unfortunate, of the struggles of mankind for their rights. The council of the confederation established themselves at Eperies, within the frontier of Hungary, with the connivance and secret favour of Austria. Some French officers, and aid in money from Versailles and Constantinople, added something to their strength, and more to their credit. Repnin entered into a negociation with them, and proposed an armistice, till he could procure reinforcements. Old Pulaski, the first leader of the confederation, objected: — "There is no word," said he, "in the Russian language for honour." Repnin, as soon as he was reinforced, laughed at the armistice, fell upon the confederates, and laid waste the lands of all true Poles with fire and sword. The Cossacks brought to his house at Warsaw Polish gentlemen tied to the tails of their horses, and dragged in this manner along the ground.* A Russian colonel, named Drewitz, seems to have surpassed all his comrades in ferocity. Not content with massacring the gentlemen to whom quarter had been given, he inflicted on them the punishments invented in Russia for slaves; sometimes tying them to trees as a mark for his soldiers to fire at; sometimes scorching certain parts of their skin, so as to represent the national dress of Poland; sometimes dispersing them over the provinces, after he had cut off their hands, arms, noses, or ears, as living examples of the punishment to be suffered by those who should love their country.† It is remarkable, that this ferocious monster, then the hero of the Muscovite army, was deficient in the

* Rulhière, vol. iii. p. 55. † Ibid, p. 124.

common quality of military courage. Peter nad not civilised the Russians; that was an undertaking beyond even his genius, and inconsistent with his ferocious character: he had only armed a barbarous people with the arts of civilised war.

But no valour could have enabled the Confederates of Bar to resist the power of Russia for four years, if they had not been seconded by certain important changes in the political system of Europe, which at first raised a powerful diversion in their favour, but at length proved the immediate cause of the dismemberment of their country. These changes may be dated from the alliance of France with Austria in 1756, and still more certainly from the peace of 1762. On the day on which the Duke de Choiseul signed the preliminaries of peace at Fontainebleau, he entered into a secret convention with Spain, by which it was agreed that the war should be renewed against England in eight years,—a time which was thought sufficient to repair the exhausted strength of the two Bourbon monarchies.* The hostility of the French Minister to England was at that time extreme. "If I was master," said he, "we should act towards England as Spain did to the Moors. If we really adopted that system, England would, in thirty years, be reduced and destroyed."† Soon after, however, his vigilance was directed to other quarters by projects which threatened to deprive France of her accustomed and due influence in the North and East of Europe. He was incensed with Catharine for not resuming the alliance with Austria, and the war which had been abruptly suspended by the caprice of

* Ferrand, vol. i. p. 76. The failure of this perfidious project is to be ascribed to the decline of Choiseul's influence. The affair of the Falkland Islands was a fragment of the design.

† Despatch from M. de Choiseul to M. D'Ossun at Madrid, 5th April. Flassan. Histoire de la Diplomatie Française, vol. vi. p. 466. About *thirty years* afterwards, the French monarchy was destroyed!

her unfortunate husband. She, on the other hand, soon after she was seated on the throne, had formed one of those vast and apparently chimerical plans to which absolute power and immense territory have familiarised the minds of Russian sovereigns. She laboured to counteract the influence of France, which she considered as the chief obstacle to her ambition, on all the frontiers of her empire, in Sweden, Poland, and Turkey, by the formation of a great alliance of the North, to consist of England, Prussia, Sweden, Denmark, and Poland,—Russia being, of course, the head of the league.* Choiseul exerted himself in every quarter to defeat this project, or rather to be revenged on Catharine for attempts which were already defeated by their own extravagance. In Sweden, his plan for reducing the Russian influence was successfully resisted; but the revolution accomplished by Gustavus III., in 1772, re-established the French ascendant in that kingdom. The Count de Vergennes, ambassador at Constantinople, opened the eyes of the Sultan to the ambitious projects of Catharine in Sweden, in Poland, and in the Crimea, and held out the strongest assurances of powerful aid, which, had Choiseul remained in power, would probably have been carried into effect. By all these means, Vergennes persuaded the Porte to declare war against Russia on the 30th of October, 1768.†

The Confederates of Bar, who had established themselves in the neighbourhood of the Turkish, as well as of the Austrian provinces, now received open assistance from the Turks. The Russian arms were fully occupied in the Turkish war; a Russian fleet

* Rulhière, vol. ii. p. 310. Ferrand, vol. i. p. 75.

† Flassan, vol. iii. p. 83. Vergennes was immediately recalled, notwithstanding this success, for having lowered (*déconsideré*) himself by marrying the daughter of a physician. He brought back with him the three millions which had been remitted to him to bribe the Divan. Catharine called him "*Mustapha's Prompter.*"

entered the Mediterranean; and the agents of the Court of St. Petersburgh excited a revolt among the Greeks, whom they afterwards treacherously and cruelly abandoned to the vengeance of their Turkish tyrants. These events suspended the fate of Poland. French officers of distinguished merit and gallantry guided the valour of the undisciplined Confederates: Austria seemed to countenance, if not openly to support them. Supplies and reinforcements from France passed openly through Vienna into Poland; and Maria Theresa herself publicly declared that there was no principle or honour in that country, but among the Confederates. But the Turkish war, which had raised up an important ally for the struggling Poles, was in the end destined to be the cause of their destruction.

The course of events had brought the Russian armies into the neighbourhood of the Austrian dominions, and began to fill the Court of Vienna with apprehensions for the security of Hungary. Frederic had no desire that his ally should become stronger; while both the great powers of Germany were averse to the extension of the Russian territories at the expense of Turkey. Frederic was restrained from opposing it forcibly by his treaty with Catharine, who continued to be his sole ally; but Kaunitz, who ruled the councils at Vienna, still adhered to the French alliance, seconding the French negociations at Constantinople. Even so late as the month of July, 1771, he entered into a secret treaty with Turkey, by which Austria bound herself to recover from Russia, by negociation or by force, all the conquests made by the latter from the Porte. But there is reason to think that Kaunitz, distrusting the power and the inclination of France, under the feeble government of Louis XV., and still less disposed to rely on the councils of Versailles, after the downfall of Choiseul in December, 1770, though he did not wish to dissolve the alliance, was desirous of loosening its ties, and became gradually

disposed to adopt any expedient against the danger of Russian aggrandisement, which might relieve him from the necessity of engaging in a war, in which his chief confidence must necessarily have rested on so weak a stay as the French Government. Maria Theresa still entertained a rooted aversion for Frederic, whom she never forgave for robbing her of Silesia; and openly professed her abhorrence of the vices and crimes of Catharine, whom she never spoke of but in a tone of disgust, as "*that woman.*" Her son Joseph, however, affected to admire, and, as far as he had power, to imitate the King of Prussia; and in spite of his mother's repugnance, found means to begin a personal intercourse with him. Their first interview occurred at Neiss, in Silesia, in August, 1769, where they entered into a secret engagement to prevent the Russians from retaining Moldavia and Wallachia. In September, 1770, a second took place at Neustadt, in Moravia, where the principal subject seems also to have been the means of staying the progress of Russian conquest, and where despatches were received from Constantinople, desiring the mediation of both Courts in the negotiations for peace.* But these interviews, though lessening mutual jealousies, do not appear to have directly influenced their system respecting Poland.† The mediation, however, then solicited ultimately gave rise to that fatal proposition.

* Mémoires de Frederic II.

† It was at one time believed, that the project of Partition was first suggested to Joseph by Frederic at Neustadt, if not at Neiss. Goertz's papers (Mémoires et Actes Authentiques relatifs aux Negotiations qui ont précédées le Partage de la Pologne, Weimar, 1810) demonstrate the contrary. These papers are supported by Viomenil (Lettres), by the testimony of Prince Henry, by Rulhière, and by the narrative of Frederic. Dohm (Denkwurdigkeiten Meiner Zeit) and Schoell (Histoire Abrégée des Traités de Paix) have also shown the impossibility of this supposition. Mr. Coxe (History of the House of Austria, vol. iii. p. 499.) has indeed adopted it, and endeavours to support it by the declarations of Hertzberg to himself: but when he examines

Frederic had proposed a plan for the pacification of Poland, on condition of reasonable terms being made with the Confederates, and of the Dissidents being induced to moderate their demands. Austria had assented to this plan, and was willing that Russia should make an honourable peace, but insisted on the restitution of Moldavia and Wallachia, and declared, that if her mediation were slighted, she must at length yield to the instances of France, and take an active part for Poland and Turkey. These declarations Frederic communicated to the Court of Petersburgh*; and they alone seem sufficient to demonstrate that no plan of partition was then contemplated by that monarch. To these communications Catharine answered, in a confidential letter to the King, by a plan of peace, in which she insisted on the independence of the Crimea, the acquisition of a Greek island, and of a pretended independence for Moldavia and Wallachia, which should make her the mistress of these provinces. She spoke of Austria with great distrust and alienation; but, on the other hand, intimated her readiness to enter into a closer intimacy with that Court, if it were possible to disengage her from her present absurd system, and to make her enter into their views; by which means Germany would be restored to its natural state, and the House of Austria would be diverted, *by other prospects*, from those views on his Majesty's possessions, which her present connections kept up.† This correspondence continued during January and February, 1771;

the above authorities, the greater part of which have appeared since his work, he will probably be satisfied that he must have misunderstood the Prussian minister; and he may perhaps follow the example of the excellent abbreviator Koch, who, in the last edition of his useful work, has altered that part of his narrative which ascribed the first plan of partition to Frederic.

* Frederic to Count Solms, his Minister at Petersburgh, 12th Sept. and 13th Oct. 1770. Goertz, pp. 100—105.

† Ibid. pp. 107. 128. The French alliance is evidently meant.

Frederic objecting, in very friendly language, to the Russian demands, and Catharine adhering to them.* In January, Panin notified to the Court of Vienna his mistress's acceptance of the good offices of Austria towards the pacification, though she declined a formal mediation. This despatch is chiefly remarkable for a declaration†, "*that the Empress had adopted, as an invariable maxim, never to desire any aggrandisement of her states.*" When the Empress communicated her plan of peace to Kaunitz in May, that minister declared that his Court could not propose conditions of peace, which must be attended with ruin to the Porte, and with great danger to the Austrian monarchy.

In the summer of the year 1770, Maria Theresa had caused her troops to take possession of the county of Zipps, a district anciently appertaining to Hungary, but which had been enjoyed by Poland for about 360 years, under a mortgage made by Sigismond, King of Hungary, on the strange condition that if it was not redeemed by a fixed time, it could only be so by payment of as many times the original sum as there had years elapsed since the appointed term. So unceremonious an adjudication to herself of this territory, in defiance of such an ancient possession, naturally produced a remonstrance even from the timid Stanislaus, which, however, she coolly overruled. In the critical state of Poland, it was impossible that such a measure should not excite observation; and an occasion soon occurred, when it seems to have contributed to produce the most important effects.

Frederic, embarrassed and alarmed by the difficulties of the pacification, resolved to send his brother Henry to Petersburgh, with no other instructions, than to employ all his talents and address in bringing Catharine to such a temper as might preserve Prussia from a new war. Henry arrived in that capital on the 9th December; and it seems now to be certain

* Goertz, pp. 129—146. † Ibid. p. 9.

that the first open proposal of a dismemberment of Poland, arose in his conversations with the Empress, and appeared to be suggested by the difficulty of making peace on such terms as would be adequate to the successes of Russia, without endangering the safety of her neighbours.* It would be difficult to guess who first spoke out in a conversation about such a matter between two persons of great adroitness, and who were, doubtless, both equally anxious to throw the blame on each other. Unscrupulous as both were, they were not so utterly shameless that each party would not use the utmost address to bring the dishonest plan out of the mouth of the other. A look, a smile, a hint, or a question, were sufficiently intelligible. The best accounts agree, that in speaking of the entrance of the Austrian troops into Poland, and of a report that they had occupied the fortress of Czentokow, Catharine, smiling, and casting down her eyes, said to Henry, "It seems that in Poland you have only to *stoop and take;*" that he seized on the expression; and that she then, resuming an air of indifference, turned the conversation to other subjects. At another time, speaking of the subsidy which Frederic paid to her by treaty, she said, "I fear he will be weary of this burden, and will leave me. I wish I could secure him by some equivalent advantage." "Nothing," replied Henry, "will be more easy. You have only to give him some territory to which he has pretensions, and which will facilitate the communication between his dominions." Catharine, without appearing to understand a remark, the meaning of which could not be mistaken, adroitly rejoined, "that she would willingly consent, if the balance of Europe was not disturbed; and that she wished for nothing."† In a conversation with Baron Saldern on the terms of peace, Henry suggested that a plan must be contrived which would detach Austria from Turkey, and by

* Rulhière, vol. iv. p. 209. † Ferrand, vol. i. p. 140.

which the three Powers would gain. "Very well," replied the former, "provided that it is not at the expense of Poland;"—"as if," said Henry, afterwards, when he told the story, "there were any other country about which such plans could be formed." Catharine, in one of the conferences in which she said to the Prince, "I will frighten Turkey and flatter England; it is your business to gain Austria, that she may lull France to sleep," became so eager, that she dipped her finger into ink, and drew with it the lines of partition on a map of Poland which lay before them. "The Empress," says Frederic, "indignant that any other troops than her own should give law to Poland, said to Prince Henry, that if the Court of Vienna wished to dismember Poland, the other neighbours had a right to do as much."* Henry said that there were no other means of preventing a general war;—"*Pour prévenir ce malheur il n'y a qu'un moyen,—de mettre trois têtes dans un bonnet; et cela ne peut pas se faire qu'aux depens d'un quart.*" It is hard to settle the order and time of these fragments of conversation, which, in a more or less imperfect state, have found their way to the public. The probability seems to be, that Henry, who was not inferior in address, and who represented the weaker party, would avoid the first proposal in a case where, if it was rejected, the attempt might prove fatal to the objects of his mission. However that may be, it cannot be doubted that before he left Petersburgh on the 30th of January, 1771, Catharine and he had agreed on the general outline to be proposed to his brother.

On his return to Berlin, he accordingly disclosed it

* Mémoires. This account is very much confirmed by the well-informed writer who has prefixed his Recollections to the Letters of Viomenil, who probably was General Grimouard. His account is from Prince Henry, who told it to him at Paris in 1788, calling the news of the Austrian proceedings in Poland, and Catharine's observations on it, *a fortunate accident, which suggested the plan of partition.*

to the King, who received it at first with displeasure, and even with indignation, as either an extravagant chimera, or a snare held out to him by his artful and dangerous ally. For twenty-four hours this anger lasted. It is natural to believe that a ray of conscience shot across so great a mind, during one honest day; or, if then too deeply tainted by habitual kingcraft for sentiments worthy of his native superiority, that he shrunk for a moment from disgrace, and felt a transient, but bitter, foretaste of the lasting execration of mankind. On the next day, however, he embraced his brother, as if inspired, and declared that he was a second time the saviour of the monarchy.* He was still, however, not without apprehensions from the inconstant councils of a despotic government, influenced by so many various sorts of favourites as that of Russia. Orlow, who still held the office of Catharine's lover, was desirous of continuing the war. Panin desired peace, but opposed the Partition, which he probably considered as the division of a Russian province. But the great body of lovers and courtiers who had been enriched by grants of forfeited estates in Poland, were favourable to a project which would secure their former booty, and, by exciting civil war, lead to new and richer forfeitures. The Czernitcheffs were supposed not to confine their hopes to confiscation, but to aspire to a principality to be formed out of the ruins of the republic. It appears that Frederic, in his correspondence with Catharine, urged, perhaps sincerely, his apprehension of general censure: her reply was,—"I take all the blame upon myself."†

* Ferrand, vol. i. p. 149.

† This fact was communicated by Sabatier, the French resident at Petersburgh, to his Court, in a despatch of the 11th February, 1774. (Ferrand, vol. i. p. 152.) It transpired at that time, on occasion of an angry correspondence between the two Sovereigns, in which the King reproached the Empress with having desired the Partition, and quoted the letter in which she had offered to take on herself the whole blame.

The consent of the Court of Vienna, however, was still to be obtained; where the most formidable and insuperable obstacles were still to be expected in the French alliance, in resentment towards Prussia, and in the conscientious character of Maria Theresa. Prince Henry, on the day of his return to Berlin, in a conversation with Van Swieten, the Austrian minister, assured him, on the part of Catharine, "that if Austria would favour her negotiations with Turkey, she would consent to a considerable augmentation of the Austrian territory." On Van Swieten asking "where?" Henry replied, "You know as well as I do what your Court might take, and what it is in the power of Russia and Prussia to cede to her." The cautious minister was silent; but it was impossible that he should either have mistaken the meaning of Henry, or have failed to impart such a declaration to his Court.* As soon as the Court of Petersburgh had vanquished the scruples or fears of Frederic, they required that he should sound that of Vienna, which he immediately did through Van Swieten.† The state of parties there was such, that Kaunitz thought it necessary to give an ambiguous answer. That celebrated coxcomb, who had grown old in the ceremonial of courts and the intrigues of cabinets, and of whom we are told that the death of his dearest friend never shortened his toilet nor retarded his dinner, still felt some regard to the treaty with France, which was his own work; and was divided between his habitual submission to the Empress-Queen and the court which he paid to the young Emperor. It was a difficult task to minister to the ambition of Joseph, without alarming the conscience of Maria Theresa. That Princess had, since the death of her husband, "passed several hours of every day in a funereal apartment,

* Ferrand, vol. i. p. 149.

† Mémoires de Frederic II. The King does not give the dates of this communication. It probably was in April, 1771.

adorned by crucifixes and death's heads, and by a portrait of the late Emperor, painted when he had breathed his last, and by a picture of herself, as it was supposed she would appear when the paleness and cold of death should take from her countenance the remains of that beauty which made her one of the finest women of her age."* Had it been possible, in any case, to rely on the influence of the conscience of a sovereign over measures of state, it might be supposed that a princess, occupied in the practice of religious austerities, and in the exercise of domestic affections, advanced in years, loving peace, beloved by her subjects, respected in other countries, professing remorse for the bloodshed which her wars had occasioned, and with her children about to ascend the greatest thrones of Europe, would not have tarnished her name by co-operating with one monarch whom she detested, and another whom she scorned and disdained, in the most faithless and shameless measures which had ever dishonoured the Christian world. Unhappily, she was destined to be a signal example of the insecurity of such a reliance. But she could not instantly yield; and Kaunitz was obliged to temporise. On the one hand, he sent Prince Lobkowitz on an embassy to Petersburgh, where no minister of rank had of late represented Austria; while, on the other, he continued his negotiation for a defensive alliance with Turkey. After having first duly notified to Frederic that his Court disapproved the impracticable projects of Partition, and was ready to withdraw their troops from the district which they had occupied in virtue of an ancient claim†, he soon after proposed neutrality to

* Rulhière, vol. iv. p. 167.

† The want of dates in the King of Prussia's narrative is the more unfortunate, because the Count de Goertz has not published the papers relating to the negotiations between Austria and Prussia, — an omission which must be owned to be somewhat suspicious.

him, in the event of a war between Austria and Russia. Frederic answered, that he was bound by treaty to support Russia; but intimated that Russia might probably recede from her demand of Moldavia and Wallachia. Both parts of the answer seem to have produced the expected effect on Kaunitz, who now saw his country placed between a formidable war and a profitable peace. Even then, probably, if he could have hoped for effectual aid from France, he might have chosen the road of honour. But the fall of the Duc de Choiseul, and the pusillanimous rather than pacific policy of his successors, destroyed all hope of French succour, and disposed Kaunitz to receive more favourably the advances of the Courts of Berlin and Petersburgh. He seems to have employed the time, from June to October, in surmounting the repugnance of his Court to the new system.

The first certain evidence of a favourable disposition at Vienna towards the plan of the two Powers, is in a despatch of Prince Galitzin at Vienna to Count Panin, on the 25th of October *, in which he gives an account of a conversation with Kaunitz on the day before. The manner of the Austrian minister was more gracious and cordial than formerly; and, after the usual discussions about the difficulties of the terms of peace, Galitzin at last asked him — "What equivalent do you propose for all that you refuse to allow us? It seems to me that there can be none." Kaunitz, suddenly assuming an air of cheerfulness, pressed his hand, and said, "Sir, since you point out the road, I will tell you, — but in such strict confidence, that it must be kept a profound secret at your Court; for if it were to transpire and be known even to the ally and friend of Russia, my Court would solemnly retract and disavow this communication." He then proposed a moderate plan of peace, but added, that the Court of Vienna could not use its

* Goertz, p. 75.

good offices to cause it to be adopted, unless the Court of Petersburgh would give the most positive assurances that she would not subject Poland to dismemberment for her own advantage, or for that of any other; provided always that their Imperial Majesties were to retain the county of Zipps, but to evacuate every other part of the Polish territory which the Austrian troops might have occupied. Galitzin observed, that the occupation of Zipps had much the air of a dismemberment. This Kaunitz denied; but said, that his Court would co-operate with Russia in forcing the Poles to put an end to their dissensions. The former observed, that the plan of pacification showed the perfect disinterestedness of her Imperial Majesty towards Poland, and that no idea of dismemberment had ever entered into her mind, or into that of her ministers. "I am happy," said Kaunitz, "to hear you say so." Panin, in his answer, on the 16th of December *, to Galitzin, seems to have perfectly well understood the extraordinary artifice of the Austrian minister. "The Court of Vienna," says he, "claims the thirteen towns and disclaims dismemberment: but there is no state which does not keep claims open against its neighbours, and the right to enforce them when there is an opportunity; and there is none which does not feel the necessity of the balance of power to secure the possession of each. To be sincere, we must not conceal that Russia is also in a condition to produce well-grounded claims against Poland, and that we can with confidence say the same of our ally the King of Prussia; and if the Court of Vienna finds it expedient to enter into measures with us and our ally to compare and arrange our claims, we are ready to agree." The fears of Kaunitz for the union of France and England were unhappily needless. These great Powers, alike deserters of the rights of nations, and

* Goertz, p. 153.

betrayers of the liberties of Europe, saw the crime consummated without stretching forth an arm to prevent it.

In the midst of the conspiracy, a magnificent embassy from France arrived at Vienna early in January, 1772.* At the head of it was the Prince Louis de Rohan, then appointed to grace the embassy by his high birth; while the business continued to be in the hands of M. Durand, a diplomatist of experience and ability. Contrary to all reasonable expectation, the young prince discovered the secret which had escaped the sagacity of the veteran minister. Durand, completely duped by Kaunitz, warned Rohan to hint no suspicions of Austria in his despatches to Versailles. About the end of February, Rohan received information of the treachery of the Austrian Court so secretly†, that he was almost obliged to represent it as a discovery made by his own penetration. He complained to Kaunitz, that no assistance was given to the Polish Confederates, who had at that moment brilliantly distinguished themselves by the capture of the Castle of Cracow. Kaunitz assured him, that "the Empress-Queen never would suffer the balance of power to be disturbed by a dismemberment which would give too much preponderance to neighbouring and rival Courts." The ambassador suspected the intentions that lurked beneath this equivocal and perfidious answer, and communicated them to his Court, in a despatch on the 2d of March, giving an

* Mémoires de l'Abbé Georgel, vol. i. p. 219.

† The Abbé Georgel ascribes the detection to his master the ambassador; but it is more probably ascribed by M. Schoell (Histoire de Traités, vol. xiv. p. 76.) to a young native of Strasburg, named Barth, the second secretary of the French Legation, who, by his knowledge of German, and intimacy with persons in inferior office, detected the project, but required the ambassador to conceal it even from Georgel. Schoell quotes a passage of a letter from Barth to a friend at Strasburg, which puts his early knowledge of it beyond dispute.

account of the conference. But the Duc d'Aiguillon, either deceived, or willing to appear so, rebuked the Prince for his officiousness, observing, that "the ambassador's conjectures being incompatible with the positive assurances of the Court of Vienna, constantly repeated by Count Mercy, the ambassador at Paris, and with the promises recently made to M. Durand, the thread which could only deceive must be quitted." In a private letter to M. d'Aiguillon, to be shown only to the King, referring to a private audience with the Empress, he says: — "I have indeed seen Maria Theresa weep over the misfortunes of oppressed Poland; but that Princess, practised in the art of concealing her designs, has tears at command. With one hand she lifts her handkerchief to her eyes to wipe away her tears; with the other she wields the sword for the Partition of Poland." *

In February and March, 1772, the three Powers exchanged declarations, binding themselves to adhere to the principle of equality in the Partition. In August following, the treaties of dismemberment were executed at Petersburgh; and in September, the demands and determinations of the combined Courts were made known at Warsaw. It is needless to characterise papers which have been universally regarded as carried to the extremity of human injustice and effrontery. An undisputed possession of

* Georgel, vol. i. p. 264. The letter produced some remarkable effects. Madame Du Barri got possession of it, and read the above passage aloud at one of her supper parties. An enemy of Rohan, who was present, immediately told the Dauphiness of this attack on her mother. The young Princess was naturally incensed at such language, especially as she had been given to understand that the letter was written to Madame Du Barri. She became the irreconcilable enemy of the Prince, afterwards Cardinal de Rohan, who, in hopes of conquering her hostility, engaged in the strange adventure of the Diamond Necklace, one of the secondary agents in promoting the French Revolution, and not the least considerable source of the popular prejudices against the Queen.

centuries, a succession of treaties, to which all the European states were either parties or guarantees, — nay, the recent, solemn, and repeated engagements of the three Governments themselves, were considered as forming no title to dominion. In answer, the Empress-Queen and the King of Prussia appealed to some pretensions of their predecessors in the thirteenth century: the Empress of Russia alleged only the evils suffered by neighbouring states from the anarchy of Poland.* The remonstrances of the Polish Government, and their appeals to all those states who were bound to protect them as guarantees of the Treaty of Oliva, were equally vain. When the Austrian ambassador announced the Partition at Versailles, the old King said, "If the other man (Choiseul) had been here, this would not have happened." † But in truth, both France and Great Britain had, at that time, lost all influence in the affairs of Europe: — France, from

* Martens, vol. i. p. 461.

† It has been said that Austria did not accede to the Partition till France had refused to co-operate against it. Of this M. de Segur tells us, that he was assured by Kaunitz, Cobentzel, and Vergennes. The only circumstance which approaches to a confirmation of his statement is, that there are traces in Ferrand of secret intimations conveyed by D'Aiguillon to Frederic, that there was no likelihood of France proceeding to extremities in favour of Poland. This clandestine treachery is, however, very different from a public refusal. It has, on the other hand, been stated (Coxe, vol. ii. p. 516.) that the Duc d'Aiguillon proposed to Lord Rochfort, that an English or French fleet should be sent to the Baltic to prevent the dismemberment. But such a proposal, if it occurred at all, must have related to transactions long antecedent to the Partition, and to the administration of D'Aiguillon; for Lord Rochfort was recalled from the French embassy in 1768, to be made Secretary of State, on the resignation of Lord Shelburne. Neither can the application have been to him as Secretary of State; for France was not in his department. It is to be regretted that Mr. Coxe should, in the same place, have quoted a writer so discredited as the Abbé Soulavie (Mémoires de Louis XVI.), from whom he quotes a memorial, without doubt altogether imaginary, of D'Aiguillon to Louis XV.

the imbecility of her Government, and partly, in the case of Poland, from reliance on the Court of Vienna; Great Britain, in consequence of her own treachery to Prussia, but in a still greater degree from the unpopularity of her Government at home, and the approaches of a revolt in the noblest part of her colonies. Had there been a spark of spirit, or a ray of wise policy in the councils of England and France, they would have been immediately followed by all the secondary powers whose very existence depended on the general reverence for justice.

The Poles made a gallant stand. The Government was compelled to call a Diet; and the three Powers insisted on its unanimity in the most trivial act. In spite, however, of every species of corruption and violence, the Diet, surrounded as it was by foreign bayonets, gave powers to deputies to negotiate with the three Powers, by a majority of only one; and it was not till September, 1773, that it was compelled to cede, by a pretended treaty, some of her finest provinces, with nearly five millions of her population. The conspirators were resolved to deprive the remains of the Polish nation of all hope of re-establishing a vigorous government, or attaining domestic tranquillity; and the Liberum Veto, the elective monarchy, and all the other institutions which tended to perpetuate disorder, were again imposed.

Maria Theresa had the merit of confessing her fault. On the 19th of February, 1775, when M. de Breteuil the ambassador of Louis XVI., had his first audience, after some embarrassed remarks on the subject of Poland, she at length exclaimed, in a tone of sorrow, "I know, Sir, that I have brought a deep stain on my reign, by what has been done in Poland; but I am sure that I should be forgiven, if it could be known what repugnance I had to it, and how many circumstances combined against my principles." * The guilt

* Flassan. vol. vii. p. 125.

of the three parties to the Partition was very unequal. Frederic, the weakest, had most to apprehend, both from a rupture with his ally, and from the accidents of a general war; while, on the other hand, some enlargement seemed requisite to the defence of his dominions. The House of Austria entered late and reluctantly into the conspiracy, which she probably might have escaped if France had been under a more vigorous Government. Catharine was the great criminal. She had for eight years oppressed, betrayed, and ravaged Poland, — had imposed on her King, — had prevented all reformation of the government, — had fomented divisions among the nobility, — in a word, had created and maintained that anarchy which she at length used as a pretence for the dismemberment. Her vast empire needed no accession of territory for defence, or, it might have been hoped, even for ambition. Yet, by her insatiable avidity, was occasioned the pretended necessity for the Partition. To prevent her from acquiring the Crimea, Moldavia, and Wallachia, the Courts of Vienna and Berlin agreed to allow her to commit an equivalent robbery on Poland. Whoever first proposed it, Catharine was the real cause and author of the whole monstrous transaction; and, should any historian, — dazzled by the splendour of her reign, or more excusably seduced by her genius, her love of letters, her efforts in legislation, and her real services to her subjects, — labour to palliate this great offence, he will only share her infamy in the vain attempt to extenuate her guilt.

The defects of the Polish government probably contributed to the loss of independence most directly by their influence on the military system. The body of the gentry retaining the power of the sword, as well as the authority of the state in their own hands, were too jealous of the Crown to strengthen the regular army; though even that body was more in the power of the great officers named by the Diet, than in that of the King. They continued to serve on horseback as in

ancient times, and to regard the *Pospolite*, or general armament of the gentry, as the impenetrable bulwark of the commonwealth. Nor, indeed, unless they had armed their slaves, would it have been possible to have established a formidable native infantry. Their armed force was adequate to the short irruptions or sudden enterprises of ancient war; but a body of noble cavalry was altogether incapable of the discipline, which is of the essence of modern armies; and their military system was irreconcilable with the acquisition of the science of war. In war alone, the Polish nobility were barbarians; while war was the only part of civilisation which the Russians had obtained. In one country the sovereign nobility of half a million durst neither arm their slaves nor trust a mercenary army: in the other, the Czar naturally employed a standing army, recruited, without fear, from the enslaved peasantry. To these military conscription was a reward, and the station of a private soldier a preferment; and they were fitted by their previous condition to be rendered, by military discipline, the most patient and obedient of soldiers, — without enterprise, but without fear, and equally inaccessible to discontent and attachment, passive and almost insensible members of the great military machine. There are many circumstances in the institutions and destiny of a people, which seem to arise from original peculiarities of national character, of which it is often impossible to explain the origin, or even to show the nature. Denmark and Sweden are countries situated in the same region of the globe, inhabited by nations of the same descent, language, and religion, and very similar in their manners, their ancient institutions, and modern civilisation; yet he would be a bold speculator who should attempt to account for the talent, fame, turbulence, and revolutions of the former; and for the quiet prosperity and obscure mediocrity, which have formed the character of the latter.

There is no political doctrine more false or more

pernicious than that which represents vices in its internal government as an extenuation of unjust aggression against a country, and a consolation to mankind for the destruction of its independence. As no government is without great faults, such a doctrine multiplies the grounds of war, gives an unbounded scope to ambition, and furnishes benevolent pretexts for every sort of rapine. However bad the government of Poland may have been, its bad qualities do not in the least degree abate the evil consequence of the Partition, in weakening, by its example, the security of all other nations. An act of robbery on the hoards of a worthless miser, though they be bestowed on the needy and the deserving, does not the less shake the common basis of property. The greater number of nations live under governments which are indisputably bad; but it is a less evil that they should continue in that state, than that they should be gathered under a single conqueror, even with a chance of improvement in their internal administration. Conquest and extensive empire are among the greatest evils, and the division of mankind into independent communities is among the greatest advantages, which fall to the lot of men. The multiplication of such communities increases the reciprocal control of opinion, strengthens the principles of generous rivalship, makes every man love his own ancient and separate country with a warmer affection, brings nearer to all mankind the objects of noble ambition, and adds to the incentives to which we owe works of genius and acts of virtue. There are some peculiarities in the condition of every civilised country which are peculiarly favourable to some talents or good qualities. To destroy the independence of a people, is to annihilate a great assemblage of intellectual and moral qualities, forming the character of a nation, and distinguishing it from other communities, which no human skill can bring together. As long as national spirit exists there is always reason to hope that it will work real reforma-

tion: when it is destroyed, though better forms may be imposed by a conqueror, there is no farther hope of those only valuable reformations which represent the sentiments, and issue from the heart of a people. The barons at Runnymede continued to be the masters of slaves; but the noble principles of the charter shortly began to release these slaves from bondage. Those who conquered at Marathon and Platæa were the masters of slaves; yet, by the defeat of Eastern tyrants, they preserved knowledge, liberty, and civilisation itself, and contributed to that progress of the human mind which will one day banish slavery from the world. Had the people of Scotland been conquered by Edward II. or by Henry VIII., a common observer would have seen nothing in the event but that a race of turbulent barbarians was reduced to subjection by a more civilised state.

After this first Partition was completed in 1776, Poland was suffered for sixteen years to enjoy an interval of more undisturbed tranquillity than it had known for a century. Russian armies ceased to vex it: the dispositions of other foreign powers became more favourable. Frederic II. now entered on that honourable portion of his reign, in which he made a just war for the defence of the integrity of Bavaria, and of the independence of Germany. Still attempts were not wanting to seduce him into new enterprises against Poland. When, in the year 1782, reports were current that Potemkin was to be made King of Poland, that haughty and profligate barbarian told the Count de Goertz, then Prussian ambassador at Petersburgh, that he despised the Polish nation too much to be ambitious of reigning over them.* He desired the ambassador to communicate to his master a plan for a new Partition, observing, "that the first was only child's play, and that if they had taken all, the outcry would not have been greater." Every man who feels

* Dohm, vol. ii. p. 45.

for the dignity of human nature, will rejoice that the illustrious monarch firmly rejected the proposal. Potemkin read over his refusal three times before he could believe his eyes, and at length exclaimed, in language very common among certain politicians, "I never could have believed that King Frederic was capable of *romantic* ideas."* As soon as Frederic returned to counsels worthy of himself, he became unfit for the purposes of the Empress, who, in 1780, refused to renew her alliance with him, and found more suitable instruments in the restless character, and shallow understanding, of Joseph II., whose unprincipled ambition was now released from the restraint which his mother's scruples had imposed on it. The project of re-establishing an Eastern empire now occupied the Court of Petersburgh, and a portion of the spoils of Turkey was a sufficient lure to Joseph. The state of Europe tended daily more and more to restore some degree of independence to the remains of Poland. Though France, her most ancient and constant ally, was then absorbed in the approach of those tremendous convulsions which have for more than thirty years agitated Europe, other Powers now adopted a policy, the influence of which was favourable to the Poles. Prussia, as she receded from Russia, became gradually connected with England, Holland, and Sweden; and her honest policy in the case of Bavaria placed her at the head of all the independent members of the Germanic Confederacy. Turkey declared war against Russia. The Austrian Government was disturbed by the discontent and revolts which the precipitate innovations of Joseph had excited in various provinces of the monarchy. A formidable combination against the power of Russia was in time formed. In the

* It was about this time that Goertz gave an account of the Court of Russia to the Prince Royal of Prussia, who was about to visit Petersburgh, of which the following passage is a curious specimen:—"Le Prince Bariatinski est reconnu scélérat, et même comme tel employé encore de tems en tems."—Dohm, vol. ii. p. 32.

treaty between Prussia and the Porte, concluded at Constantinople in January, 1790, the contracting parties bound themselves to endeavour to obtain from Austria the restitution of those Polish provinces, to which she had given the name of Galicia.*

During the progress of these auspicious changes, the Poles began to entertain the hope that they might at length be suffered to reform their institutions, to provide for their own quiet and safety, and to adopt that policy which might one day enable them to resume their ancient station among European nations. From 1778 to 1788, no great measures had been adopted, but no tumults disturbed the country; while reasonable opinions made some progress, and a national spirit was slowly reviving. The nobility patiently listened to plans for the establishment of a productive revenue and a regular army; a disposition to renounce their dangerous right of electing a king made perceptible advances; and the fatal law of unanimity had been so branded as an instrument of Russian policy, that in the Diets of these ten years, no nuncio was found bold enough to employ his negative. At the breaking out of the Turkish war, the Poles ventured to refuse not only an alliance offered by Catharine, but even permission to her to raise a body of cavalry in the territories of the republic.†

In the midst of these excellent symptoms of public sense and temper, a Diet, assembled at Warsaw in October, 1788, from whom the restoration of the republic was hoped, and by whom it would have been accomplished, if their prudent and honest measures had not been defeated by one of the blackest acts of treachery recorded in the annals of mankind. Perhaps the four years which followed present more signal examples than any other part of history—of patience, moderation, wisdom, and integrity, in a popular assembly—of spirit and unanimity among a tur-

* Schoell, vol. xiv. p. 473. † Ferrand, vol. ii. p. 336.

bulent people—of inveterate malignity in an old oppressor—and of the most execrable perfidy in a pretended friend. The Diet applied itself with the utmost diligence and caution to reform the state, watching the progress of popular opinion, and proposing no reformation till the public seemed ripe for its reception. While the spirit of the French Revolution was everywhere prevalent, these reformers had the courageous prudence to avoid whatever was visionary in its principles, or violent in their execution. They refused the powerful but perilous aid of the enthusiasm which it excited long before its excesses and atrocities had rendered it odious. They were content to be reproached by their friends for the slowness of their reformatory measures; and to be despised for the limited extent of these by many of those generous minds who then aspired to bestow a new and more perfect liberty on mankind. After having taken measures for the re-establishment of the finances and the army, they employed the greater part of the year 1789 in the discussion of constitutional reforms.* A committee appointed in September, before the conclusion of the year, made a report which contained an outline of the most necessary alterations. No immediate decision was made on these propositions; but the sense of the Diet was, in the course of repeated discussions, more decisively manifested. It was resolved, without a division, that the Elector of

* Schoell, vol. xiv. p. 117. On the 12th of October, 1788, the King of Prussia had offered, by Buckholz, his minister at Warsaw, to guarantee the integrity of the Polish territory. Ferrand, vol. ii. p. 452. On the 19th of November, he advises them not to be diverted from "ameliorating their form of government;" and declares, "that he will guarantee their independence without mixing in their internal affairs, or restraining the liberty of their discussions, which, on the contrary, he will guarantee." Ibid. p. 457. The negotiations of Prince Czartorinski at Berlin, and the other notes of Buckholz, seconded by Mr. Hailes, the English minister, agree entirely in language and principles with the passages which have been cited.

Saxony should be named successor to the crown; which determination—the prelude to the establishment of hereditary monarchy—was confirmed by the Dietines, or electoral assemblies. The elective franchise, formerly exercised by all the nobility, was limited to landed proprietors. Many other fundamental principles of a new constitution were perfectly understood to be generally approved, though they were not formally established. In the meantime, as the Diets were biennial, the assembly approached to the close of its legal duration; and as it was deemed dangerous to intrust the work of reformation to an entirely new one, and equally so to establish the precedent of an existence prolonged beyond the legal period, an expedient was accordingly adopted, not indeed sanctioned by law, but founded in constitutional principles, the success of which afforded a signal proof of the unanimity of the Polish nation. New writs were issued to all the Dietines, requiring them to choose the same number of nuncios as usual. These elections proceeded regularly; and the new members being received by the old, formed with them a double Diet. Almost all the Dietines instructed their new representatives to vote for hereditary monarchy, and declared their approbation of the past conduct of the Diet.

On the 16th of December, 1790, this double Diet assembled with a more direct, deliberate, formal, and complete authority, from the great majority of the freemen, to reform the abuses of the government, than perhaps any other representative assembly in Europe ever possessed. They declared the pretended guarantee of Russia in 1776 to be "null, an invasion of national independence, incompatible with the natural rights of every civilised society, and with the political privileges of every free nation."* They felt

* Ferrand, vol. iii. p. 55. The absence of dates in this writer obliges us to fix the time of this decree by conjecture.

the necessity of incorporating, in one law, all the reforms which had passed, and all those which had received the unequivocal sanction of public approbation. The state of foreign affairs, as well as the general voice at home, loudly called for the immediate adoption of such a measure; and the new Constitution was presented to the Diet on the 3d of May following *, after having been read and received the night before with unanimous and enthusiastic applause by far the greater part of the members of both Houses, at the Palace of Prince Radzivil. Only twelve dissentient voices opposed it in the Diet. Never were debates and votes more free: these men, the most hateful of apostates, were neither attacked, nor threatened, nor insulted. The people, on this great and sacred occasion, seemed to have lost all the levity and turbulence of their character, and to have already learnt those virtues which are usually the slow fruit of that liberty which they were then only about to plant.

This constitution confirmed the rights of the Established Church, together with religious liberty, as dictated by the charity which religion inculcates and inspires. It established an hereditary monarchy in the Electoral House of Saxony; reserving to the nation the right of choosing a new race of Kings, in case of the extinction of that family. The executive power was vested in the King, whose ministers were responsible for its exercise. The Legislature was divided into two Houses, — the Senate and the House of Nuncios, with respect to whom, the ancient constitutional language and forms were preserved. The necessity of unanimity was taken away, and, with it, those dangerous remedies of confederation and confederate Diets which it had rendered necessary

* The particular events of the 3d of May are related fully by Ferrand, and shortly in the Annual Register of 1791,—a valuable narrative, though not without considerable mistakes.

Each considerable town received new rights, with a restoration of all their ancient privileges. The burgesses recovered the right of electing their own magistrates. All their property within their towns was declared to be inheritable and inviolable. They were empowered to acquire land in Poland, as they always had done in Lithuania. All the offices of the state, the law, the church, and the army, were thrown open to them. The larger towns were empowered to send deputies to the Diet, with a right to vote on all local and commercial subjects, and to speak on all questions whatsoever. All these deputies became noble, as did every officer of the rank of captain, and every lawyer who filled the humblest office of magistracy, and every burgess who acquired a property in land, paying 5*l.* of yearly taxes. Two hundred burgesses were ennobled at the moment, and a provision was made for ennobling thirty at every future Diet. Industry was perfectly unfettered. Immunity from arrest till after conviction was extended to the burgesses; — the extension of which most inconvenient privilege was well adapted to raise traders to a level with the gentry. The same object was promoted by a provision, that no nobleman, by becoming a merchant, a shopkeeper, or artisan, should forfeit his privileges, or be deemed to derogate from his rank. Numerous paths to nobility were thus thrown open; and every art was employed to make the ascent easy. The wisdom and liberality of the Polish gentry, if they had not been defeated by flagitious enemies, would, by a single act of legislation, have accomplished that fusion of the various orders of society, which it has required the most propitious circumstances, in a long course of ages, to effect, in the freest and most happy of the European nations. Having thus communicated political privileges to hitherto disregarded freemen, the new constitution extended to all serfs the full protection of law, which before was enjoyed only by those of the royal demesnes; while it facili-

tated and encouraged voluntary manumission, by ratifying all contracts relating to it,—the first step to be taken in every country towards the accomplishment of the highest of all the objects of human legislation.

The course of this glorious revolution was not dishonoured by popular tumult, by sanguinary excesses, or by political executions. So far did the excellent Diet carry its wise regard to the sacredness of property, that, though it was in urgent need of financial resources, it postponed, till after the death of present incumbents, the application to the relief of the state of the income of those ecclesiastical offices which were no longer deemed necessary. History will one day do justice to that illustrious body, and hold out to posterity their work, as the perfect model of a most arduous reformation.

The storm which demolished this noble edifice came from abroad. On the 29th of March, of the preceding year, a treaty of alliance had been concluded at Warsaw between the King of Prussia and the Republic, containing, among others, the following stipulation:—"If any foreign Power, in virtue of any preceding acts and stipulations whatsoever, should claim the right of interfering in the internal affairs of the republic of Poland, at what time, or in what manner soever, his Majesty the King of Prussia will first employ his good offices to prevent hostilities in consequence of such pretension; but, if his good offices should be ineffectual, and that hostilities against Poland should ensue, his Majesty the King of Prussia, considering such an event as a case provided for in this treaty, will assist the republic according to the tenor of the 4th article of the present treaty." * The aid here referred to was, on the part of Prussia, 22,000 or 30,000 men, or, in case of necessity, all its disposable force. The undisputed purpose of the

* Martens, vol. iii. pp. 161—165.

article had been to guard Poland against an interference in her affairs by Russia, under pretence of the guarantee of the Polish constitution in 1775.

Though the King of Prussia had, after the conclusion of the treaty, urgently pressed the Diet for the cession of the cities of Dantzick and Thorn, his claim had been afterwards withdrawn and disavowed. On the 13th of May, in the present year, Goltz, then Prussian Chargé d'Affaires at Warsaw, in a conference with the Deputation of the Diet for Foreign Affairs, said, that he had received orders from his Prussian Majesty to express to them his satisfaction at the happy revolution which had at length given to Poland a wise and regular constitution."* On the 23d of May, in his answer to the letter of Stanislaus, announcing the adoption of the constitution, the same Prince, after applauding the establishment of hereditary monarchy in the House of Saxony (which, it must be particularly borne in mind, was a positive breach of the constitution guaranteed by Russia in 1775), proceeds to say, "I congratulate myself on having contributed to the liberty and independence of Poland; and my most agreeable care will be, to preserve and strengthen the ties which unite us." On the 21st of June, the Prussian minister, on occasion of alarm expressed by the Poles that the peace with Turkey might prove dangerous to them, declares, that if such dangers were to arise, "the King of Prussia, faithful to all his obligations, will have it particularly at heart to fulfil those which were last year contracted by him." If there was any reliance in the faith of treaties, or on the honour of kings, Poland might have confidently hoped, that, if she was attacked by Russia, in virtue of the guarantee of 1775, her independence and her constitution would

* Ferrand, vol. iii. p. 121. See the letter of the King of Prussia to Goltz, expressing his admiration and applause of the new constitution. Segur, vol. iii. p. 252.

be defended by the whole force of the Prussian monarchy.

The remaining part of the year 1791 passed in quiet, but not without apprehension. On the 9th of January, 1792, Catharine concluded a peace with Turkey at Jassy; and being thus delivered from all foreign chemies, began once more to manifest intentions of interfering in the affairs of Poland. Emboldened by the removal of Hertzberg from the councils of Prussia, and by the death of the Emperor Leopold, a prince of experience and prudence, she resolved to avail herself of the disposition then arising in all European Governments, to sacrifice every other object to a preparation for a contest with the principles of the French Revolution. A small number of Polish nobles furnished her with that very slender pretext, with which she was always content. Their chiefs were Rzewuski, who, in 1768, had been exiled to Siberia, and Felix Potocki, a member of a potent and illustrious family, which was inviolably attached to the cause of the republic. These unnatural apostates, deserting their long-suffering country at the moment when, for the first time, hope dawned on her, were received by Catharine with the honours due from her to aggravated treason in the persons of the Confederates of Targowitz. On the 18th of May the Russian minister at Warsaw declared, that the Empress, "called on by many distinguished Poles who had confederated against the pretended constitution of 1791, would, in virtue of her guarantee, march an army into Poland to restore the liberties of the republic." The hope, meantime, of help from Prussia was speedily and cruelly deceived. Lucchesini, the Prussian minister at Warsaw, in an evasive answer to a communication made to him respecting the preparations for defence against Russia, said coldly, "that his master received the communication as a proof of the esteem of the King and Republic of Poland; but that he could take no cognisance of the

affairs which occupied the Diet." On Stanislaus himself claiming his aid, Frederic on the 8th of June answered: — "In considering the new constitution which the republic adopted, without my knowledge and without my concurrence, I never thought of supporting or protecting it." So signal a breach of faith is not to be found in the modern history of great states. It resembles rather the vulgar frauds and low artifices, which, under the name of "reason of state," made up the policy of the petty tyrants of Italy in the fourteenth century.

Assured of the connivance of Prussia, Catharine now poured an immense army into Poland, along the whole line of frontier, from the Baltic to the neighbourhood of the Euxine. But the spirit of the Polish nation was unbroken. A series of brilliant actions occupied the summer of 1792, in which the Polish army, under Poniatowski and Kosciusko, alternately victorious and vanquished, gave equal proofs of unavailing gallantry.

Meantime Stanislaus, who had remained in his capital, willing to be duped by the Russian and Prussian ambassadors, whom he still suffered to continue there, made a vain attempt to disarm the anger of the Empress, by proposing that her grandson Constantine should be the stock of the new constitutional dynasty; to which she haughtily replied, that he must re-establish the old constitution, and accede to the Confederation of Targowitz; — "Perhaps," says M. Ferrand, "because a throne acquired without guilt or perfidy might have few attractions for her."* Having on the 4th of July published a proclamation, declaring "that he would not survive his country," on the 22d of the same month, as soon as he received the commands of Catharine, this dastard prince declared his accession to the Confederation of Targowitz, and thus threw the legal authority of the republic into the hands of that band of conspirators. The gallant

* Ferrand, vol. iii. p. 217.

army, over whom the Diet had intrusted their unworthy King with absolute authority, were now compelled, by his treacherous orders, to lay down their arms amidst the tears of their countrymen, and the insolent exultation of their barbarous enemies.* The traitors of Targowitz were, for a moment, permitted by Russia to rule over the country which they had betrayed, to prosecute the persons and lay waste the property of all good citizens, and to re-establish every ancient abuse.

Such was the unhappy state of Poland during the remainder of the year 1792, a period which will be always memorable for the invasion of France by a German army, their ignominious retreat, the irruption of the French forces into Germany and Flanders, the dreadful scenes which passed in the interior of France, and the apprehension professed by all Governments of the progress of the opinions to which these events were ascribed. The Empress of Russia, among the rest, professed the utmost abhorrence of the French Revolution, made war against it by the most vehement manifestoes, stimulated every other power to resist it, but never contributed a battalion or a ship to the confederacy against it. Frederic-William also plunged headlong into the coalition against the advice of his wisest counsellors.† At the moment of the Duke of

* A curious passage of De Thou shows the apprehension early entertained of the Russian power. "Livonis prudentè et reipublicæ Christianæ utili consilio navigatio illuc interdicta fuerat, ne commercio nostrorum Barbari varias artes ipsis ignotas, et quæ ad rem navalem et militarem pertinent, edocerentur. Sic enim eximistabant Moscos, qui maximam Septentrionis partem tenerent, Narvæ condito emporio, et constructo armamentario, non solum in Livoniam, sed etiam in Germaniam effuso exercitu penetraturos." — Lib. xxxix. cap. 8.

† Prince Henry and Count Hertzberg, who agreed perhaps in nothing else. — Vie du Prince Henri, p. 297. In the same place, we have a very curious extract from a letter of Prince Henry, of the 1st of November, 1792, in which he says, that every year of war will make the conditions of peace worse for the Allies." Henry was not a Democrat, nor even a Whig. His opinions

Brunswick's entry into France, in July,—if we may believe M. Ferrand, himself a zealous royalist, who had evidently more than ordinary means of information,—the ministers of the principal European powers met at Luxemburg, provided with various projects for new arrangements of territory in the event, which they thought inevitable, of the success of the invasion. The Austrian ministers betrayed the intention of their Court, to renew its attempt to compel the Elector of Bavaria to exchange his dominions for the Low Countries; which, by the dissolution of their treaties with France, they deemed themselves entitled again to propose. The King of Prussia, on this alarming disclosure, showed symptoms of an inclination to abandon an enterprise, which many other circumstances combined to prove was impracticable, at least with the number of troops with which he had presumptuously undertaken it. These dangerous projects of the Court of Vienna made him also feel the necessity of a closer connection with Russia; and in an interview with the Austrian and Russian ministers at Verdun, he gave them to understand, that Prussia could not continue the war without being assured of an indemnity. Russia eagerly adopted a suggestion which engaged Prussia more completely in her Polish schemes: and Austria willingly listened to a proposal which would furnish a precedent and a justification for similar enlargements of her own dominions: while both the Imperial Courts declared, that they would acquiesce in the occupation of another portion of Poland by the Prussian armies.*

Whether in consequence of the supposed agreement at Verdun or not, the fact at least is certain, that Frederic-William returned from his French disgraces

were confirmed by all the events of the first war, and are certainly not contradicted by occurrences towards the close of a second war, twenty years afterwards, and in totally new circumstances.

* Ferrand, vol iii. pp. 252—255.

to seek consolation in the plunder of Poland. Nothing is more characteristic of a monarch without ability, without knowledge, without resolution, whose life had been divided between gross libertinism and abject superstition, than that, after flying before the armies of a powerful nation, he should instantly proceed to attack an oppressed, and, as he thought, defenceless people. In January, 1793, he entered Poland; and, while Russia was charging the Poles with the extreme of royalism, he chose the very opposite pretext, that they propagated anarchical principles, and had established Jacobin clubs. Even the criminal Confederates of Targowitz were indignant at these falsehoods, and remonstrated, at Berlin and Petersburgh, against the entry of the Prussian troops. But the complaints of such apostates against the natural results of their own crimes were heard with contempt. The Empress of Russia, in a Declaration of the 9th of April, informed the world that, acting in concert with Prussia, and with the consent of Austria, the only means of controlling the Jacobinism of Poland was "by confining it within more narrow limits, and by giving it proportions which better suited an intermediate power." The King of Prussia, accordingly, seized Great Poland; and the Russian army occupied all the other provinces of the republic. It was easy, therefore, for Catharine to determine the extent of her new robbery.

In order, however, to give it some shadow of legality, the King was compelled to call a Diet, from which every one was excluded who was not a partisan of Russia, and an accomplice of the Confederates of Targowitz. The unhappy assembly met at Grodno in June; and, in spite of its bad composition, showed still many sparks of Polish spirit. Sievers, the Russian ambassador, a man apparently worthy of his mission, had recourse to threats, insults, brutal violence, military imprisonment, arbitrary exile, and every other species of outrage and intimidation

which, for nearly thirty years, had constituted the whole system of Russia towards the Polish legislature. In one note, he tells them that, unless they proceed more rapidly, "he shall be under the painful necessity of removing all incendiaries, disturbers of the public peace, and partisans of the 3d of May, from the Diet."* In another, he apprises them, that he must consider any longer delay "as a declaration of hostility; in which case, the lands, possessions, and dwellings of the malcontent members, must be subject to military execution." "If the King adheres to the Opposition, the military execution must extend to his demesnes, the pay of the Russian troops will be stopped, and they will live at the expense of the unhappy peasants."†. Grodno was surrounded by Russian troops; loaded cannon were pointed at the palace of the King and the hall of the Diet; four nuncios were carried away prisoners by violence in the night; and all the members were threatened with Siberia. In these circumstances, the captive Diet was compelled, in July and September, to sign two treaties with Russia and Prussia, stipulating such cessions as the plunderers were pleased to dictate, and containing a repetition of the same insulting mockery which had closed every former act of rapine, —a guarantee of the remaining possessions of the republic.‡ It had the consolation of being allowed to perform one act of justice,—that of depriving the leaders of the Confederation of Targowitz, Felix Potocki, Rzewuski, and Braneki, of the great offices which they dishonoured. It may hereafter be discovered, whether it be actually true that Alsace and Lorraine were to have been the compensation to Austria for forbearing to claim her share of the spoils of Poland at this period of the second Partition. It is already well known that the allied army refused to receive the surrender of Strasburgh in the name of

* Ferrand, vol. iii. p. 369. † Id. p. 372.
‡ Martens, vol. v. pp. 162. 202.

Louis XVII., and that Valenciennes and Condé were taken in the name of Austria.

In the beginning of 1794, a young officer named Madalinski, who had kept together, at the disbanding of the army, eighty gentlemen, gradually increased his adherents, till they amounted to a force of about four thousand men, and began to harass the Russian posts. The people of Cracow expelled the Russian garrison; and, on the night of the 28th of March, the heroic Kosciusko, at the head of a small body of adherents, entered that city, and undertook its government and defence. Endowed with civil as well as military talents, he established order among the insurgents, and caused the legitimate constitution to be solemnly proclaimed in the cathedral, where it was once more hailed with genuine enthusiasm. He proclaimed a national confederation, and sent copies of his manifesto to Petersburgh, Berlin, and Vienna; treating the two first courts with deserved severity, but speaking amicably of the third, whose territory he enjoined his army to respect. These marks of friendship, the Austrian resident at Warsaw publicly disclaimed, imputing to Kosciusko and his friends "the monstrous principles of the French Convention;"—a language which plainly showed that the Court of Vienna, which had only consented to the last Partition, was willing to share in the next. Kosciusko was daily reinforced; and on the 17th of April rose on the Russian garrison of Warsaw, and compelled Igelstrom the commander, after an obstinate resistance of thirty-six hours, to evacuate the city with a loss of 2000 men wounded. The citizens of the capital, the whole body of a proud nobility, and all the friends of their country throughout Poland, submitted to the temporary dictatorship of Kosciusko, a private gentleman only recently known to the public, and without any influence but the reputation of his virtue. Order and tranquillity generally prevailed; some of the burghers, perhaps excited by the agents

of Russia, complained to Kosciusko of the inadequacy of their privileges. But this excellent chief, instead of courting popularity, repressed an attempt which might lead to dangerous divisions. Soon after, more criminal excesses for the first time dishonoured the Polish revolution, but served to shed a brighter lustre on the humanity and intrepidity of Kosciusko. The papers of the Russian embassy laid open proofs of the venality of many of the Poles who had betrayed their country. The populace of Warsaw, impatient of the slow forms of law, apprehensive of the lenient spirit which prevailed among the revolutionary leaders, and instigated by the incendiaries, who are always ready to flatter the passions of a multitude, put to death eight of these persons, and, by their clamours, extorted from the tribunal a precipitate trial and execution of a somewhat smaller number. Kosciusko did not content himself with reprobating these atrocities. Though surrounded by danger, attacked by the most formidable enemies, betrayed by his own Government, and abandoned by all Europe, he flew from his camp to the capital, brought the ringleaders of the massacre to justice, and caused them to be immediately executed. We learn, from very respectable authority, that during all the perils of his short administration he persuaded the nobility to take measures for a more rapid enfranchisement of the peasantry, than the cautious policy of the Diet had hazarded.*

Harassed by the advance of Austrian, Prussian, and Russian armies, Kosciusko concentrated the greater part of his army around Warsaw, against which Frederic-William advanced at the head of 40,000 disciplined troops. With an irregular force of 12,000 he made an obstinate resistance for several hours on the 8th of June, and retired to his entrenched

* Segur, Règne de Frederic-Guillaume II., tome iii. p. 169. These important measures are not mentioned in any other narration which I have read.

camp before the city. The Prussians having taken possession of Cracow, summoned the capital to surrender, under pain of all the horrors of an assault. After two months employed in vain attempts to reduce it, the King of Prussia was compelled, by an insurrection in his lately acquired Polish province, to retire with precipitation and disgrace. But in the mean time, the Russians were advancing, in spite of the gallant resistance of General Count Joseph Sierakowski, one of the most faithful friends of his country; and on the 4th of October, Kosciusko, with only 18,000 men, thought it necessary to hazard a battle at Macciowice, to prevent the junction of the two Russian divisions of Suwarrow and Fersen. Success was long and valiantly contested. According to some narrations, the enthusiasm of the Poles would have prevailed, but for the treachery or incapacity of Count Poninski.* Kosciusko, after the most admirable exertions of judgment and courage, fell, covered with wounds; and the Polish army fled. The Russians and Cossacks were melted at the sight of their gallant enemy, who lay insensible on the field. When he opened his eyes, and learnt the full extent of the disaster, he vainly implored the enemy to put an end to his sufferings. The Russian officers, moved with admiration and compassion, treated him with tenderness, and sent him, with due respect, a prisoner of war to Petersburgh, where Catharine threw him into a dungeon; from which he was released by Paul on his succession, perhaps partly from hatred to his mother, and partly from one of those paroxysms of transient generosity, of which that brutal lunatic was not incapable.

From that moment the farther defence of Poland became hopeless. Suwarrow advanced to the capital, and stimulated his army to the assault of the great suburb of Praga, by the barbarous promise of a license

* Segur, vol. iii. p. 171.

to pillage for forty-eight hours. A dreadful contest ensued on the 4th of November, in which the inhabitants performed prodigies of useless valour, making a stand in every street, and almost at every house. All the horrors of war, which the most civilised armies practised on such occasions, were here seen with tenfold violence. No age or sex, or condition, was spared; the murder of children forming a sort of barbarous sport for the assailants. The most unspeakable outrages were offered to the living and the dead. The mere infliction of death was an act of mercy. The streets streamed with blood. Eighteen thousand human carcasses were carried away after the massacre had ceased. Many were burnt to death in the flames which consumed the town. Multitudes were driven by the bayonet into the Vistula. A great body of fugitives perished by the fall of the great bridge over which they fled. These tremendous scenes closed the resistance of Poland, and completed the triumph of her oppressors. The Russian army entered Warsaw on the 9th of November, 1794. Stanislaus was suffered to amuse himself with the formalities of royalty for some months longer, till, in obedience to the order of Catharine, he abdicated on the 25th of November, 1795, — a day which, being the anniversary of his coronation, seemed to be chosen to complete his humiliation. Quarrels about the division of the booty retarded the complete execution of the formal and final Partition, till the beginning of the next year.

Thus fell the Polish people, after a wise and virtuous attempt to establish liberty, and a heroic struggle to defend it, by the flagitious wickedness of Russia, by the foul treachery of Prussia, by the unprincipled accession of Austria, and by the short-sighted, as well as mean-spirited, acquiescence of all the other nations of Europe. Till the first Partition, the right of every people to its own soil had been universally regarded as the guardian principle of European independence.

But in the case of Poland, a nation was robbed of its ancient territory without the pretence of any wrong which could justify war, and without even those forms of war which could bestow on the acquisition the name of conquest. It is a cruel and bitter aggravation of this calamity, that the crime was perpetrated, under the pretence of the wise and just principle of maintaining the balance of power ; — as if that principle had any value but its tendency to *prevent* such crimes ; — as if an equal division of the booty bore any resemblance to a joint exertion to prevent the robbery. In the case of private highwaymen and pirates, a fair division of the booty tends, no doubt, to the harmony of the gang and the safety of its members, but renders them more formidable to the honest and peaceable part of mankind.*

For about eleven years the name of Poland was erased from the map of Europe. By the treaty of Tilsit, in 1807, the Prussian part of that unfortunate country was restored to as much independence as could then be enjoyed, under the name of the Grand Duchy of Warsaw ; and this revived state received a considerable enlargement in 1809, by the treaty of Schoenbrunn, at the expense of Austria.

When Napoleon opened the decisive campaign of 1812, in what he called in his proclamations "the Second Polish War," he published a Declaration, addressed to the Poles, in which he announced that Poland would be greater than she had been under Stanislaus, and that the Archduke, who then governed Wurtsburg, was to be their sovereign ; and when on the 12th of July in that year, Wybicki, at the head of a deputation of the Diet, told him, at Wilna, with truth, "The interest of your empire requires the re-establishment of Poland ; the honour of France is

* The sentiments of wise men on the first Partition are admirably stated in the Annual Register of 1772, in the Introduction to the History of Europe, which could scarcely have been written by any man but Mr. Burke.

interested in it,"—he replied, "that he had done all that duty to his subjects allowed him to restore their country; that he would second their exertions; and that he authorised them to take up arms every where but in the Austrian provinces, of which he had guaranteed the integrity, and which he should not suffer to be disturbed." In his answer,—too cold and guarded to inspire enthusiasm,—he promised even less than he had acquired the power of performing; for, by the secret articles of his treaty with Austria, concluded in March, provision had been made for an exchange of the Illyrian provinces (which he had retained at his own disposal), for such a part of Austrian Poland as would be equivalent to them.* What his real designs respecting Poland were, it is not easy to conjecture. That he was desirous of re-establishing its independence, and that he looked forward to such an event as the result of his success, cannot be doubted. But he had probably grown too much of a politician and an emperor, to trust, or to love that national feeling and popular enthusiasm to which he had owed the splendid victories of his youth. He was now rather willing to owe every thing to his policy and his army. Had he thrown away the scabbard in this just cause,—had he solemnly pledged himself to the restoration of Poland,—had he obtained the exchange of Galicia for Dalmatia, instead of secretly providing for it,—had he considered Polish independence, not merely as the consequence of victory, but as one of the most powerful means of securing it,—had he, in short, retained some part of his early faith in the attachment of nations, instead of relying exclusively on the mechanism of armies, perhaps the success of that memorable campaign might have been more equally balanced. Seventy thousand Poles were then fighting under his banners.† Forty thousand are supposed to have fallen in the French armies from the destruction of Poland to the

* Schoell, vol. x. p. 129. † Id. p. 139.

battle of Waterloo.* There are few instances of the affection of men for their country more touching than that of these gallant Poles, who, in voluntary exile, amidst every privation, without the hope of fame, and when all the world had become their enemies, daily sacrificed themselves in the battles of a foreign nation, in the faint hope of its one day delivering their own from bondage. Kosciusko had originally encouraged his countrymen to devote themselves for this chance; but when he was himself offered a command in 1807, this perfect hero refused to quit his humble retreat, unless Napoleon would pledge himself for the restoration of Poland.

When Alexander entered France in 1814, as the avowed patron of liberal institutions, Kosciusco addressed a letter to him †, in which he makes three requests, — that the Emperor would grant an universal amnesty, a free constitution, resembling, as nearly as possible, that of England, with means of general education, and, after the expiration of ten years, an emancipation of the peasants. It is but justice to Alexander to add, that when Kosciusko died, in 1817, after a public and private life, worthy of the scholar of Washington, the Emperor, on whom the Congress of Vienna had then bestowed the greater part of the duchy of Warsaw, with the title of King of Poland, allowed his Polish subjects to pay due honours to the last of their heroes; and that Prince Jablonowski was sent to attend his remains from Switzerland to Cracow, there to be interred in the only spot of the Polish territory which is now not dishonoured by a foreign master. He might have paid a still more acceptable tribute to his memory, by executing his pure intentions, and acceding to his disinterested prayers.

The Partition of Poland was the model of all those acts of rapine which have been committed by monarchs

* Julien, Notice Biographique sur Kosciusko.

† Published in M. Julien's interesting little work.

or republicans during the wars excited by the French Revolution. No single cause has contributed so much to alienate mankind from ancient institutions, and loosen their respect for established governments. When monarchs show so signal a disregard to immemorial possession and legal right, it is in vain for them to hope that subjects will not copy the precedent. The law of nations is a code without tribunals, without ministers, and without arms, which rests only on a general opinion of its usefulness, and on the influence of that opinion in the councils of states, and most of all, perhaps, on a habitual reverence produced by the constant appeal to its rules even by those who did not observe them, and strengthened by the elaborate artifice to which the proudest tyrants deigned to submit, in their attempts to elude an authority which they did not dare to dispute. One signal triumph over such an authority was sufficient to destroy its power. Philip II. and Louis XIV. had often violated the law of nations; but the spoilers of Poland overthrew it.

SKETCH

OF

THE ADMINISTRATION AND FALL

OF

STRUENSEE.*

On the arrival of Charles VII. of Sweden, at Altona, in need of a physician,—an attendant whom his prematurely broken constitution made peculiarly essential to him even at the age of nineteen,—Struensee, the son of a Lutheran bishop in Holstein, had just begun to practise medicine, after having been for some time employed as the editor of a newspaper in that city. He was now appointed physician to the King, at the moment when he was projecting a professional establishment at Malaga, or a voyage to India, which his imagination, excited by the perusal of the elder travellers, had covered with "barbaric pearl and gold." He was now twenty-nine years old, and appears to have been recommended to the royal favour by an agreeable exterior, pleasing manners, and some slight talents and superficial knowledge, with the subserviency indispensable in a favourite, and the power of amusing his listless and exhausted master. His name appears in the publications of the time as "Doctor Struensee," among the attendants of his Danish Majesty in England; and he received, in that character,

* From the Edinburgh Review, vol. xliv. p. 366.—Ed.

the honorary degree of Doctor of Medicine from the University of Oxford.

Like all other minions, his ascent was rapid, or rather his flight to the pinnacle of power was instantaneous; for the passion of an absolute prince on such occasions knows no bounds, and brooks no delay. Immediately after the King's return to Copenhagen, Struensee was appointed a Cabinet Minister. While his brother was made a counsellor of justice, he appointed Brandt, another adventurer, to superintend the palace and the imbecile King; and intrusted Rantzau, a disgraced Danish minister, who had been his colleague in the editorship of the Altona Journal, with the conduct of foreign affairs. He and his friend Brandt were created Earls. Stolk, his predecessor in favour, had fomented and kept up an animosity between the King and Queen: Struensee (unhappily for himself as well as for her) gained the confidence of the Queen, by restoring her to the good graces of her husband. Caroline Matilda, sister of George III., who then had the misfortune to be Queen of Denmark, is described by Falkenskiold * as the handsomest woman of the Court, as of a mild and reserved character, and as one who was well qualified to enjoy and

* General Falkenskiold was a Danish gentleman of respectable family, who, after having served in the French army during the Seven Years' War, and in the Russian army during the first war of Catharine II. against the Turks, was recalled to his country under the administration of Struensee, to take a part in the reform of the military establishment, and to conduct the negotiation at Petersburgh, respecting the claims of the Imperial family to the duchy of Holstein. He was involved in the fall of Struensee, and was, without trial, doomed to imprisonment for life at Munkholm, a fortress situated on a rock opposite to Drontheim. After five years' imprisonment he was released, and permitted to live, first at Montpellier, and afterwards at Lausanne, at which last city (with the exception of one journey to Copenhagen) he past the latter part of his life, and where he died in September, 1820, in the eighty-third year of his age. He left his Memoirs for publication to his friend, M. Secretan, First Judge of the canton of Vaud.

impart happiness, if it had been her lot to be united to an endurable husband. Brandt seems to have been a weak coxcomb, and Rantzau a turbulent and ungrateful intriguer.

The only foreign business which Struensee found pending on his entrance into office, was a negotiation with Russia, concerning the pretensions of that formidable competitor to a part of Holstein, which Denmark had unjustly acquired fifty years before. Peter III., the head of the house of Holstein, was proud of his German ancestry, and ambitious of recovering their ancient dominions. After his murder, Catharine claimed these possessions, as nominal Regent of Holstein, during the minority of her son. The last act of Bernstorff's administration had been a very prudent accommodation, in which Russia agreed to relinquish her claims on Holstein, in consideration of the cession to her by Denmark of the small principality of Oldenburg, the very ancient patrimony of the Danish Royal Family. Rantzau, who in his exile had had some quarrel with the Russian Government, prevailed on the inexperienced Struensee to delay the execution of this politic convention, and aimed at establishing the influence of France and Sweden at Copenhagen instead of that of Russia, which was then supported by England. He even entertained the chimerical project of driving the Empress from Petersburgh. Falkenskiold, who had been sent on a mission to Petersburgh, endeavoured, after his return, to disabuse Struensee, and to show him the ruinous tendency of such rash counsels, proposing to him even to recall Bernstorff, to facilitate the good understanding which could hardly be restored as long as Counts Osten and Rantzau, the avowed enemies of Russia, were in power. Struensee, like most of those who must be led by others, was exceedingly fearful of being thought to be so. When Falkenskiold warned him against yielding to Rantzau, his plans were shaken: but when the same weapon was turned

against Falkenskiold, Struensee returned to his obstinacy. Even after Rantzau had become his declared enemy, he adhered to the plans of that intriguer, lest he should be suspected of yielding to Falkenskiold. Wherever there were only two roads, it was easy to lead Struensee, by exciting his fear of being led by the opposite party.

Struensee's measures of internal policy appear to have been generally well-meant, but often ill-judged. Some of his reforms were in themselves excellent: but he showed, on the whole, a meddling and restless spirit, impatient of the necessary delay, often employed in petty change, choosing wrong means, braving prejudices that might have been softened, and offending interests that might have been conciliated. He was a sort of inferior Joseph II.; like him, rather a servile copyist than an enlightened follower of Frederick II. His dissolution of the Guards (in itself a prudent measure of economy) turned a numerous body of volunteers into the service of his enemies. The removal of Bernstorff was a very blamable means of strengthening himself. The suppression of the Privy Council, the only feeble restraint on despotic power, was still more reprehensible in itself, and excited the just resentment of the Danish nobility. The repeal of a barbarous law, inflicting capital punishment on adultery, was easily misrepresented to the people as a mark of approbation of that vice.

Both Struensee and Brandt had embraced the infidelity at that time prevalent among men of the world, which consisted in little more than a careless transfer of implied faith from Luther to Voltaire. They had been acquainted with the leaders of the Philosophical party at Paris, and they introduced the conversation of their masters at Copenhagen. In the same school they were taught to see clearly enough the distempers of European society; but they were not taught (for their teachers did not know) which of these maladies were to be endured, which were to be

palliated, and what were the remedies and regimen by which the remainder might, in due time, be effectually and yet safely removed. The dissolute manners of the Court contributed to their unpopularity; rather, perhaps, because the nobility resented the intrusion of upstarts into the sphere of their privileged vice, than because there was any real increase of licentiousness.

It must not be forgotten that Struensee was the first minister of an absolute monarchy who abolished the torture; and that he patronised those excellent plans for the emancipation of the enslaved husbandmen, which were first conceived by Reverdil, a Swiss, and the adoption of which by the second Bernstorff has justly immortalised that statesman. He will be honoured by after ages for what offended the Lutheran clergy, — the free exercise of religious worship granted to Calvinists, to Moravians, and even to Catholics; for the Danish clergy were ambitious of retaining the right to persecute, not only long after it was impossible to exercise it, but even after they had lost the disposition to do so; — at first to overawe, afterwards to degrade Nonconformists; in both stages, as a badge of the privileges and honour of an established church.

No part, however, of Struensee's private or public conduct can be justly considered as the cause of his downfall. His irreligion, his immoralities, his precipitate reforms, his parade of invidious favour, were only the instruments or pretexts by which his competitors for office were able to effect his destruction. Had he either purchased the good-will, or destroyed the power of his enemies at Court, he might long have governed Denmark, and perhaps have been gratefully remembered by posterity as a reformer of political abuses. He fell a victim to an intrigue for a change of ministers, which, under such a King, was really a struggle for the sceptre.

His last act of political imprudence illustrates both the character of his enemies, and the nature of absolute government. When he was appointed Secretary of

the Cabinet, he was empowered to execute such orders as were very urgent, without the signature of the King, on condition, however, that they should be weekly laid before him, to be confirmed or annulled under his own hand. This liberty had been practised before his administration; and it was repeated in many thousand instances after his downfall. Under any monarchy, the substantial fault would have consisted rather in assuming an independence of his colleagues, than in encroaching on any royal power which was real or practicable. Under so wretched a pageant as the King of Denmark, Struensee showed his folly in obtaining, by a formal order, the power which he might easily have continued to execute without it. But this order was the signal of a clamour against him, as an usurper of royal prerogative. The Guards showed symptoms of mutiny: the garrison of the capital adopted their resentment. The populace became riotous. Rantzau, partly stimulated by revenge against Struensee, for having refused a protection to him against his creditors, being secretly favoured by Count Osten, found means of gaining over Guldberg, an ecclesiastic of obscure birth, full of professions of piety, the preceptor of the King's brother, who prevailed on that prince and the Queen-Dowager to engage in the design of subverting the Administration. Several of Struensee's friends warned him of his danger; but, whether from levity or magnanimity, he neglected their admonitions. Rantzau himself, either jealous of the ascendant acquired by Guldberg among the conspirators, or visited by some compunctious remembrances of friendship and gratitude, spoke to Folkenskiold confidentially of the prevalent rumours, and tendered his services for the preservation of his former friend. Folkenskiold distrusted the advances of Rantzau, and answered coldly, "Speak to Struensee:" Rantzau turned away, saying, "He will not listen to *me*."

Two days afterwards, on the 16th of January,

1772, there was a brilliant masked ball at Court, where the conspirators and their victims mingled in the festivities (as was observed by some foreign ministers present) with more than usual gaiety. At four o'clock in the morning, the Queen-Dowager, who was the King's step-mother, her son, and Count Rantzau, entered the King's bedchamber, compelled his valet to awaken him, and required him to sign an order to apprehend the Queen, the Counts Struensee and Brandt, who, with other conspirators, they pretended were then engaged in a plot to depose, if not to murder him. Christian is said to have hesitated, from fear or obstinacy,—perhaps from some remnant of humanity and moral restraint: but he soon yielded; and his verbal assent, or perhaps a silence produced by terror, was thought a sufficient warrant. Rantzau, with three officers, rushed with his sword drawn into the apartment of the Queen, compelled her to rise from her bed, and, in spite of her tears and threats, sent her, half-dressed, a prisoner to the fortress of Cronenbourg, together with her infant daughter Louisa, whom she was then suckling, and Lady Mostyn, an English lady who attended her. Struensee and Brandt were in the same night thrown into prison, and loaded with irons. On the next day, the King was paraded through the streets in a carriage drawn by eight milk-white horses, as if triumphing after a glorious victory over his enemies, in which he had saved his country: the city was illuminated. The preachers of the Established Church are charged by several concurring witnesses with inhuman and unchristian invectives from the pulpit against the Queen and the fallen ministers; the good, doubtless, believing too easily the tale of the victors, the base paying court to the dispensers of preferment, and the bigoted greedily swallowing the most incredible accusations against unbelievers. The populace, inflamed by these declamations, demolished or pillaged from sixty to a hundred houses.

The conspirators distributed among themselves the chief offices. The King was suffered to fall into his former nullity: the formality of his signature was dispensed with; and the affairs of the kingdom were conducted in his name, only till his son was of an age to assume the regency. Guldberg, under the modest title of "Secretary of the Cabinet," became Prime Minister. Rantzau was appointed a Privy Councillor; and Osten retained the department of Foreign Affairs: but it is consolatory to add, that, after a few months, both were discarded at the instance of the Court of Petersburgh, to complete the desired exchange of Holstein for Oldenburgh.

The object of the conspiracy being thus accomplished, the conquerors proceeded, as usual, to those judicial proceedings against the prisoners, which are intended formally to justify the violence of a victorious faction, but substantially aggravate its guilt. A commission was appointed to try the accused; its leading members were the chiefs of the conspiracy. Guldberg, one of them, had to determine, by the sentence which he pronounced, whether he was himself a rebel. General Eichstedt, the president, had personally arrested several of the prisoners, and was, by his judgment on Struensee, who had been his benefactor, to decide, that the criminality of that minister was of so deep a dye as to cancel the obligations of gratitude. To secure his impartiality still more, he was appointed a minister, and promised the office of preceptor of the hereditary prince,—the permanence of which appointments must have partly depended on the general conviction that the prisoners were guilty.

The charges against Struensee and Brandt are dated on the 21st of April. The defence of Struensee was drawn up by his counsel on the 22d; that of Brandt was prepared on the 23d. Sentence was pronounced against both on the 23d. On the 27th, it was approved, and ordered to be executed by the

King. On the 28th, after their right hands had been cut off on the scaffold, they were beheaded. For three months they had been closely and very cruelly imprisoned. The proceedings of the commission were secret: the prisoners were not confronted with each other; they heard no witnesses; they read no depositions; they do not appear to have seen any counsel till they had received the indictments. It is characteristic of this scene to add, that the King went to the opera on the 25th, after signifying his approbation of the sentence; and that on the 27th, the day of its solemn confirmation, there was a masked ball at Court. On the day of the execution, the King again went to the Opera. The passion which prompts an absolute monarch to raise an unworthy favourite to honour, is still less disgusting than the levity and hardness with which, on the first alarm, he always abandons the same favourite to destruction. It may be observed, that the very persons who had represented the patronage of operas and masquerades as one of the offences of Struensee, were the same who thus unseasonably paraded their unhappy Sovereign through a succession of such amusements.

The Memoirs of Falkenskiold contain the written answers of Struensee to the preliminary questions of the commission, the substance of the charges against him, and the defence made by his counsel. The first were written on the 14th of April, when he was alone in a dungeon, with irons on his hands and feet, and an iron collar, fastened to the wall, round his neck. The Indictment is prefaced by a long declamatory invective against his general conduct and character, such as still dishonour the criminal proceedings of most nations, and from which England has probably been saved by the scholastic subtlety and dryness of her system of what is called "special pleading." Laying aside his supposed connection with the Queen, which is reserved for a few separate remarks, the charges are either perfectly frivolous, or sufficiently answered

by his counsel, in a defence which he was allowed only one day to prepare, and which bears evident marks of being written with the fear of the victorious faction before the eyes of the feeble advocate. One is, that he caused the young Prince to be trained so hardily as to endanger his life; in answer to which he refers to the judgment of physicians, appeals to the restored health of the young Prince, and observes, that even if he had been wrong, his fault could have been no more than an error of judgment. The truth is, that he was guilty of a ridiculous mimicry of the early education of Emile, at a time when all Europe was intoxicated by the writings of Rousseau. To the second charge, that he had issued, on the 21st of December preceding, unknown to the King, an order for the incorporation of the Foot Guards with the troops of the line, and on their refusal to obey, had, on the 24th, obtained an order from him for their reduction, he answered, that the draught of the order had been read and approved by the King on the 21st, signed and sealed by him on the 23d, and finally confirmed by the order for reducing the refractory Guards, as issued by his Majesty on the 24th; so that he could scarcely be said to have been, even in form, guilty of a two days' usurpation. It might have been added, that it was immediately fully pardoned by the royal confirmation; that Rantzau, and others of his enemies, had taken an active share in it; and that it was so recent, that the conspirators must have resolved on their measures before its occurrence. He was further charged with taking or granting exorbitant pensions; and he answered, seemingly with truth, that they were not higher than those of his predecessors. He was accused also of having falsified the public accounts; to which his answer is necessarily too detailed for our purpose, but appears to be satisfactory. Both these last offences, if they had been committed, could not have been treated as high treason in any country not wholly barbarous; and the evi-

dence on which the latter and more precise of the charges rested, was a declaration of the imbecile and imprisoned King on an intricate matter of account, reported to him by an agent of the enemies of the prisoner.

Thus stands the case of the unfortunate Struensee on all the charges but one, as it appears in the accusation which his enemies had such time and power to support, and on the defence made for him under such cruel disadvantages. That he was innocent of the political offences laid to his charge, is rendered highly probable by the Narrative of his Conversion, published soon after his execution by Dr. Munter, a divine of Copenhagen, appointed by the Danish Government to attend him*; a composition, which bears the strongest marks of the probity and sincerity of the writer, and is a perfect model of the manner in which a person, circumstanced like Struensee, ought to be treated by a kind and considerate minister of religion. Men of all opinions, who peruse this narrative, must own that it is impossible, with more tenderness, to touch the wounds of a sufferer, to reconcile the agitated penitent to himself, to present religion as the consoler, not as the disturber of his dying moments, gently to dispose him to try his own actions by a higher test of morality, to fill his mind with indulgent benevolence towards his fellow-men, and to exalt it to a reverential love of boundless perfection. Dr. Munter deserved the confidence of Struensee, and seems entirely to have won it. The unfortunate man freely owned his private licentiousness, his success in corrupting the principles of the victims of his desires, his rejection, not only of religion, but also in theory, though not quite in feeling, of whatever ennobles and elevates the mind in morality, the imprudence and rashness by which he brought ruin on his friends,

* Reprinted by the late learned and exemplary Mr. Rennell of Kensington. London, 1824.

and plunged his parents in deep affliction, and the ignoble and impure motives of all his public actions, which, in the eye of reason, deprived them of that pretension to virtuous character to which their outward appearance might seem to entitle them. He felt for his friends with unusual tenderness. Instead of undue concealment from Munter, he is, perhaps, chargeable with betraying to him secrets which were not exclusively his own: but he denies the truth of the political charges against him, — more especially those of peculation and falsification of accounts.

The charges against Brandt would be altogether unworthy of consideration, were it not for the light which one of them throws on the whole of this atrocious procedure. The main accusation against him was, that he had beaten, flogged, and scratched the sacred person of the King. His answer was, that the King, who had a passion for wrestling and boxing, had repeatedly challenged him to a match, and had severely beaten him five or six times; that he did not gratify his master's taste till after these provocations; that two of the witnesses against him, servants of the King, had indulged their master in the same sport; and that he received liberal gratifications, and continued to enjoy the royal favour for months after this pretended treason. The King inherited this perverse taste in amusements from his father, whose palace had been the theatre of the like kingly sports. It is impossible to entertain the least doubt of the truth of this defence: it affords a natural and probable explanation of a fact which would be otherwise incomprehensible.

A suit for divorce was commenced against the Queen, on the ground of criminal connection with Struensee, who was himself convicted of high treason for that connection. This unhappy princess had been sacrificed, at the age of seventeen, to the brutal caprices of a husband who, if he had been a private man, would have been deemed incapable of the

deliberate consent which is essential to marriage. She had early suffered from his violence, though she so far complied with his fancies as to ride with him in male apparel,—an indecorum for which she had been sharply reprehended by her mother, the Princess-Dowager of Wales, in a short interview between them, during a visit which the latter had paid to her brother at Gotha, after an uninterrupted residence of thirty-four years in England. The King had suffered the Russian minister at Copenhagen to treat her with open rudeness; and had disgraced his favourite cousin, the Prince of Hesse, for taking her part. He had never treated her with common civility, till they were reconciled by Struensee, at that period of overflowing good-nature when that minister obtained the recall from banishment of the ungrateful Rantzau.

The evidence against her consisted of a number of circumstances (none of them incapable of an innocent explanation) sworn to by attendants, who had been employed as spies on her conduct. She owned that she had been guilty of much imprudence; but in her dying moments she declared to M. Roques, pastor of the French church at Zell, that she never had been unfaithful to her husband.* It is true, that her own signature affixed to a confession was alleged against her: but if General Falkenskiold was rightly informed (for he has every mark of honest intention), that signature proves nothing but the malice and cruelty of her enemies. Schack, the counsellor sent to interrogate her at Cronenbourg, was received by her with indignation when he spoke to her of connection with Struensee. When he showed Struensee's confession to her, he artfully intimated that the fallen minister would be subjected to a very cruel death if he was found to have falsely criminated the Queen.

* Communicated by him to M. Secretan on the 7th of March, 1780

"What!" she exclaimed, "do you believe that if I was to confirm this declaration I should save the life of that unfortunate man?" Schack answered by a profound bow. The Queen took a pen, wrote the first syllable of her name, and fainted away. Schack completed the signature, and carried away the fatal document in triumph.

Struensee himself, however, had confessed his intercourse to the Commissioners. It is said that this confession was obtained by threats of torture, facilitated by some hope of life, and influenced by a knowledge that the proceeding against the Queen could not be carried beyond divorce. But his repeated and deliberate avowals to Dr. Munter do not (it must be owned) allow of such an explanation. Scarcely any supposition favourable to this unhappy princess remains, unless it should be thought likely, that as Dr. Munter's Narrative was published under the eye of her oppressors, they might have caused the confessions of Struensee to be inserted in it by their own agents, without the consent — perhaps without the knowledge — of Munter; whose subsequent life is so little known, that we cannot determine whether he ever had the means of exposing the falsification. It must be confessed, that internal evidence does not favour this hypothesis; for the passages of the Narrative, which contain the avowals of Struensee, have a striking appearance of genuineness. If Caroline betrayed her sufferings to Struensee, — if she was led to a dangerous familiarity with a pleasing young man who had rendered essential services to her, — if mixed motives of confidence, gratitude, disgust, and indignation, at last plunged her into an irretrievable fault, the reasonable and the virtuous will reserve their abhorrence for the conspirators who, for the purposes of their own ambition, punished her infirmity by ruin, endangered the succession to the crown, and disgraced their country in the eyes of Europe. It is difficult to contain the indignation which naturally arises

from the reflection, that at this very time, and with a full knowledge of the fate of the Queen of Denmark, the Royal Marriage Act was passed in England, for the avowed purpose of preventing the only marriages of preference, which a princess, at least, has commonly the opportunity of forming. Of a monarch, who thought so much more of the pretended degradation of his brother than of the cruel misfortunes of his sister, less cannot be said than that he must have had more pride than tenderness. Even the capital punishment of Struensee, for such an offence will be justly condemned by all but English lawyers, who ought to be silenced by the consciousness that the same barbarous disproportion of a penalty to an offence is sanctioned in the like case by their own law.

Caroline Matilda died at Zell about three years after her imprisonment. The last tidings which reached the Princess-Dowager of Wales on her death-bed, was the imprisonment of this ill-fated daughter, which was announced to her in a letter dictated to the King of Denmark by his new masters, and subscribed with his own hand. Two days before her death, though in a state of agony, she herself wrote a letter to the nominal sovereign, exhorting him to be at least indulgent and lenient towards her daughter. After hearing the news from Copenhagen she scarcely swallowed any nourishment. The intelligence was said to have accelerated her death; but the dreadful malady * under which she suffered, neither needed the co-operation of sorrow, nor was of a nature to be much affected by it.

What effects were produced by the interference of the British Minister for the Queen? — how far the conspirators were influenced by fear of the resentment of King George III.? — and In what degree

* An affection of the throat which precluded the passage of all nourishment. — Ed.

that monarch himself may have acquiesced in the measures finally adopted towards his sister? — are questions which must be answered by the historian from other sources than those from which we reason on the present occasion. The only legal proceeding ever commenced against the Queen was a suit for a divorce, which was in form perfectly regular: for in all Protestant countries but England, the offended party is entitled to release from the bands of marriage by the ordinary tribunals. It is said that two legal questions were then agitated in Denmark, and "even occasioned great debates among the Commissioners: — 1st. Whether the Queen, as a sovereign, could be legally tried by her subjects; and, 2dly, Whether, as a foreign princess, she was amenable to the law of Denmark?" But it is quite certain on general principles, (assuming that no Danish law had made their Queen a partaker of the sovereign power, or otherwise expressly exempted her from legal responsibility,) that, however high in dignity and honour, she was still a subject; and that as such, she, as well as every other person wherever born, resident in Denmark, was, during her residence at least, amenable to the laws of that country.

It was certain that there was little probability of hostility from England. Engaged in a contest with the people at home, and dreading the approach of a civil war with America, Lord North was not driven from an inflexible adherence to his pacific system by the Partition of Poland itself. An address for the production of the diplomatic correspondence respecting the French conquest, or purchase, of Corsica, was moved in the House of Commons on the 17th of November, 1768, for the purpose of condemning that unprincipled transaction, and with a view indirectly to blame the supineness of the English ministers respecting it. The motion was negatived by a majority of 230 to 84, on the same ground as that on which the like motions respecting Naples and Spain

were resisted in 1822 and 1823; — that such proposals were too little if war was intended, and too much if it was not. The weight of authority, however, did not coincide with the power of numbers. Mr. Grenville, the most experienced statesman, and Mr. Burke, the man of greatest genius and wisdom in the House, voted in the minority, and argued in support of the motion. "Such," said the latter, "was the general zeal for the Corsican, that if the Ministers would withdraw the Proclamation issued by Lord Bute's Government, forbidding British subjects to assist the Corsican 'rebels,'" (a measure similar to our Foreign Enlistment Act), "private individuals would supply the brave insurgents with sufficient means of defence." The young Duke of Devonshire, then at Florence, had sent 400*l.* to Corsica, and raised 2000*l.* more for the same purpose by a subscription among the English in Italy.* A Government which looked thus passively at such breaches of the system of Europe on occasions when the national feeling was favourable to a more generous, perhaps a more wise policy, would hardly have been diverted from its course by any indignities or outrages which a foreign Government could offer to an individual of however illustrious rank. Little, however, as the likelihood of armed interference by England was, the apprehension of it might have been sufficient to enable the more wary of the Danish conspirators to contain the rage of their most furious accomplices. The ability and spirit displayed by Sir Robert Murray Keith on behalf of the Queen was soon after rewarded by his promotion to the embassy at Vienna, always one of the highest places in English diplomacy. His vigor-

* These particulars are not to be found in the printed debate, which copies the account of this discussion given in the Annual Register by Mr. Burke, written like his other abstracts of Parliamentary proceedings, with the brevity and reserve, produced by his situation as one of the most important parties in the argument, and by the severe notions then prevalent on such publications.

ous remonstrances in some measure compensated for the timidity of his Government; and he powerfully aided the cautious policy of Count Osten, who moderated the passions of his colleagues, though giving the most specious colour to their acts in his official correspondence with foreign Powers.

Contemporary observers of enlarged minds considered these events in Denmark not so much as they affected individuals, or were connected with temporary policy, as in the higher light in which they indicated the character of nations, and betrayed the prevalence of dispositions inauspicious to the prospects of mankind. None of the unavowed writings of Mr. Burke, and perhaps few of his acknowledged ones, exhibit more visible marks of his hand than the History of Europe in the Annual Register of 1772, which opens with a philosophical and eloquent vindication of the policy which watched over the balance of power, and with a prophetic display of the evils which were to flow from the renunciation of that policy by France and England, in suffering the partition of Poland. The little transactions of Denmark, which were despised by many as a petty and obscure intrigue, and affected the majority only as a part of the romance or tragedy of real life, appeared to the philosophical statesman pregnant with melancholy instruction. "It has," says he, "been too hastily and too generally received as an opinion with the most eminent writers, and from them too carelessly received by the world, that the Northern nations, at all times and without exception, have been passionate admirers of liberty, and tenacious to an extreme of their rights. A little attention will show that this opinion ought to be received with many restrictions. Sweden and Denmark have, within little more than a century, given absolute demonstration to the contrary; and the vast nation of the Russes, who overspread so great a part of the North, have, at all times, so long as their name has been known, or their acts re-

membered by history, been incapable of any other than a despotic government. And notwithstanding the contempt in which we hold the Eastern nations, and the slavish disposition we attribute to them, it may be found, if we make a due allowance for the figurative style and manner of the Orientals, that the official papers, public acts, and speeches, at the Courts of Petersburgh, Copenhagen, and Stockholm, are in as unmanly a strain of servility and adulation as those of the most despotic of the Asiatic governments."

It was doubtless an error to class Russia with the Scandinavian nations, merely because they were both comprehended within the same parallels of latitude. The Russians differ from them in race,—a circumstance always to be considered, though more liable to be exaggerated or underrated, than any other which contributes to determine the character of nations. No Sarmatian people has ever been free. The Russians profess a religion, founded on the blindest submission of the understanding, which is, in their modern modification of it, directed to their temporal sovereign. They were for ages the slaves of the Tartars; the larger part of their dominions is Asiatic; and they were, till lately, with justice, more regarded as an Eastern than as a Western nation. But the nations of Scandinavia were of that Teutonic race, who were the founders of civil liberty; they early embraced the Reformation, which ought to have taught them the duty of exercising reason freely on every subject: and their spirit has never been broken by a foreign yoke. Writing in the year when despotism was established in Sweden, and its baneful effects so strikingly exhibited in Denmark, Mr. Burke may be excused for comparing these then unhappy countries with those vast regions of Asia which have been the immemorial seat of slavery. The revolution which we have been considering, shows the propriety of the parallel in all its parts. If it only proved that absolute power corrupts the tyrant, there are many too

debased to dread it on that account. But it shows him at Copenhagen, as at Ispahan, reduced to personal insignificance, a pageant occasionally exhibited by his ministers, or a tool in their hands, compelled to do whatever suits their purpose, without power to save the life even of a minion, and without security, in cases of extreme violence, for his own. Nothing can more clearly prove that under absolute monarchy, good laws, if they could by a miracle be framed, must always prove utterly vain; that civil cannot exist without political liberty; and that the detestable distinction, lately attempted in this country by the advocates of intolerance *, between freedom and political power, never can be allowed in practice without, in the first instance, destroying all securities for good government, and very soon introducing every species of corruption and oppression.

The part of Mr. Burke's History which we have quoted, is followed by a memorable passage which seems, in later times, to have escaped the notice both of his opponents and adherents, and was probably forgotten by himself. After speaking of the final victory of Louis XV. over the French Parliaments, of whom he says, "that their fate seems to be finally decided †, and the few remains of public liberty that were preserved in these illustrious bodies are now no more," he proceeds to general reflection on the condition and prospects of Europe. "In a word, if we seriously consider the mode of supporting great standing armies, which becomes daily more prevalent, it will appear evident, that nothing less than a convulsion that will shake the globe to its centre, can ever restore the European nations to that liberty by

* This was written in 1826. — Ed.

† They were re-established four years afterwards: but as this arose, not from the spirit of the nation, but from the advisers of the young King, who had full power to grant or withhold their restoration, the want of foresight is rather apparent than substantial.

which they were once so much distinguished. The Western world was its seat until another more western was discovered: and that other will probably be its asylum when it is hunted down in every other part of the world. Happy it is that the worst of times may have one refuge left for humanity."

This passage is not so much a prophecy of the French Revolution, as a declaration that without a convulsion as deep and dreadful as that great event, the European nations had no chance of being restored to their ancient dignity and their natural rights. Had it been written after, or at least soon after the event, it might have been blamed as indicating too little indignation against guilt, and compassion for suffering. Even when considered as referring to the events of a distant futurity, it may be charged with a pernicious exaggeration, which seems to extenuate revolutionary horrors by representing them as inevitable, and by laying it down falsely that Wisdom and Virtue can find no other road to Liberty. It would, however, be very unjust to charge such a purpose on Mr. Burke, or indeed to impute such a tendency to his desponding anticipations. He certainly appears to have foreseen that the progress of despotism would at length provoke a general and fearful resistance, the event of which, with a wise scepticism, he does not dare to foretel; rather, however, as a fond, and therefore fearful, lover of European liberty, foreboding that she will be driven from her ancient seats, and leave the inhabitants of Europe to be numbered with Asiatic slaves. The fierceness of the struggle he clearly saw, and most distinctly predicts; for he knew that the most furious passions of human nature would be enlisted on both sides. He does not conclude, from this dreadful prospect, that the chance of liberty ought to be relinquished rather than expose a country to the probability or possibility of such a contest; but, on the contrary, very intelligibly declares by the melancholy tone in which

he adverts to the expulsion of Liberty, that every evil is to be hazarded for her preservation. It would be well if his professed adherents would bear in mind, that such is the true doctrine of most of those whom they dread and revile as incendiaries. The friends of freedom only profess that those who have recourse to the only remaining means of preserving or acquiring liberty, are not morally responsible for the evils which may arise in an inevitable combat.

The Danish dominions continued to be administered in the name of Christian VII., for the long period of thirty-six years after the deposition of Struensee. The mental incapacity under which he always laboured, was not formally recognised till the association of his son, now King of Denmark, with him in the government. He did not cease to breathe till 1808, after a nominal reign of forty-three years, and an animal existence of near sixty. During the latter part of that period, the real rulers of the country were wise and honest men. It enjoyed a considerable interval of prosperity under the moderate administration of Bernstorff, whose merit in forbearing to join the coalition against France in 1793, is greatly enhanced by his personal abhorrence of the Revolution. His adoption of Reverdil's measures of enfranchisement, sheds the purest glory on his name.

The fate of Denmark, after the ambition of Napoleon had penetrated into the North, — the iniquity with which she was stripped by Russia of Norway, for adherence to an alliance which Russia had compelled her to join, and as a compensation to Sweden for Finland, of which Sweden had been robbed by Russia, are events too familiarly known to be recounted here. She is now no more than a principality, whose arms are still surmounted by a royal crown. A free and popular government, under the same wise administration, might have arrested many of these calamities, and afforded a new proof that the attachment of a people to a government in which they have a palpable

interest and a direct share, is the most secure foundation of defensive strength.

The political misfortunes of Denmark disprove the commonplace opinion, that all enslaved nations deserve their fate; for the moral and intellectual qualities of the Danes seem to qualify them for the firm and prudent exercise of the privileges of freemen. All those by whom they are well known commend their courage, honesty, and industry. The information of the labouring classes has made a considerable progress since their enfranchisement. Their literature, like that of the other Northern nations, has generally been dependent on that of Germany, with which country they are closely connected in language and religion. In the last half century, they have made persevering efforts to build up a national literature. The resistance of their fleet in 1801 has been the theme of many Danish poets; but we believe that they have been as unsuccessful in their bold competition with Campbell, as their mariners in their gallant contest with Nelson. However, a poor and somewhat secluded country, with a small and dispersed population, which has produced Tycho Brahe, Oehlenschlæger, and Thorwaldsen, must be owned to have contributed her full contingent to the intellectual greatness of Europe.

STATEMENT

OF THE CASE OF

DONNA MARIA DA GLORIA,

AS A

CLAIMANT TO THE CROWN OF PORTUGAL.*

BEFORE the usurpation of Portugal by Philip II. of Spain in 1580, the Portuguese nation, though brilliantly distinguished in arts and arms, and as a commercial and maritime power, in some measure filling up the interval between the decline of Venice and the rise of Holland, had not yet taken a place in the political system of Europe. From the restoration of her independence under the House of Braganza in 1640, to the peace of Utrecht, Spain was her dangerous enemy, and France, the political opponent of Spain, was her natural protector. Her relation to France was reversed as soon as a Bourbon King was seated on the throne of Spain. From that moment the union of the two Bourbon monarchies gave her a neighbour far more formidable than the Austrian princes who had slumbered for near a century at the Escurial. It became absolutely necessary for her safety that she should strengthen herself against this constantly threatening danger by an alliance, which, being founded in a common and permanent interest, might be solid and durable. England, the political antagonist of France, whose safety would be endangered

* From the Edinburgh Review, vol. xlv. p. 202.—ED.

by every aggrandisement of the House of Bourbon, and who had the power of rapidly succouring Portugal, without the means of oppressing her independence, was evidently the only state from which friendship and aid, at once effectual, safe, and lasting, could be expected: — hence the alliance between England and Portugal, and the union, closer than can be created by written stipulations, between these two countries.

The peril, however, was suspended during forty years of the dissolute and unambitious government of Louis XV. till the year 1761, when, by the treaty known under the name of the "Family Compact," the Duc de Choiseul may be justly said (to borrow the language of Roman ambition) to have reduced Spain to the form of a province. A separate and secret convention was executed on the same day (15th of August), by which it was agreed that if England did not make peace with France by the 1st of May, 1762, Spain should then declare war against the former power. The sixth article fully disclosed the magnitude of the danger which, from that moment to this, has hung over the head of Portugal. His Most Faithful Majesty was to be desired to accede to the convention; "it not being just," in the judgment of these royal jurists, "that he should remain a tranquil spectator of the disputes of the two Courts with England, and continue to enrich the enemies of the two Sovereigns, by keeping his ports open to them." The King of Portugal refused to purchase a temporary exemption from attack by a surrender of his independence. The French and Spanish Ministers declared, "that the Portuguese alliance with England, though called '*defensive*,' became in reality *offensive*, from the situation of the Portuguese dominions, and from the nature of the English power." * A war ensued, — being probably

* Note of Don Joseph Torrero and Don Jacques O'Dun, Lisbon, 1st April, 1762. Annual Register.

the first ever waged against a country, on the avowed ground of its geographical position. It was terminated by the treaty of Paris in 1763, without, however, any proposition on the part of France and Spain that Portugal should be cut away from the Continent, and towed into the neighbourhood of Madeira, — where perhaps she might re-enter on her right as an independent state, to observe neutrality, and to provide for her security by defensive alliances. This most barefaced act of injustice might be passed over here in silence, if it did not so strongly illustrate the situation of Portugal, since Spain became a dependent ally of France; and if we could resist the temptation of the occasion to ask whether the authors of such a war were as much less ambitious than Napoleon, as they were beneath him in valour and genius.

In the American war, it does not appear that any attempt was made, *on principles of geography*, to compel Portugal to make war on England.* The example of the Family Compact, however, was not long barren. As soon as the French Republic had re-established the ascendant of France at Madrid, they determined to show that they inherited the principles as well as the sceptre of their monarchs. Portugal, now overpowered, was compelled to cede Olivenza to Spain, and to shut her ports on English ships.† Thus terminated the second war made against her to oblige her to renounce the only ally capable of assisting her, and constantly interested in her preservation. But these compulsory treaties were of little practical importance, being immediately followed by the Peace of Amiens. They only furnished a new proof that the insecurity of Portugal essentially arose from the dependence of Spain on France, and could

* Portugal did indeed accede to the Armed Neutrality; but it was not till the 15th of July, 1782, on the eve of a general peace. — Martens, Recueil de Traités, vol. ii. p. 208.

† By the Treaty between France and Spain of the 19th August, 1796. Martens, vol. vi. p. 656.

not be lessened by any change in the government of the latter country.

When the war, or rather wars, against universa. monarchy broke out, the Regent of Portugal declared the neutrality of his dominions.* For four years he was indulged in the exercise of this right of an independent prince, in spite of the geographical position of the kingdom. At the end of that period the "geographical principle" was enforced against him more fully and vigorously than on the former instances of its application. The Portuguese monarchy was confiscated and partitioned in a secret convention between France and Spain, executed at Fontainebleau on the 27th of October, 1807, by which considerable parts of its continental territory were granted to the Prince of the Peace, and to the Spanish Princess, then called Queen of Etruria, in sovereignty, but as feudatories of the crown of Spain.† A French army under Junot marched against Portugal, and the Royal Family were compelled, in November following, to embark for Brazil; a measure which was strongly suggested by the constant insecurity to which European Portugal was doomed by the Family Compact, and which had been seriously entertained by the Government since the treaty of Badajoz.

The events which followed in the Spanish Peninsula are too memorable to be more than alluded to. Portugal was governed by a Regency nominated by the King. The people caught the generous spirit of the Spaniards, took up arms against the conquerors, and bravely aided the English army to expel them. The army, delivered from those unworthy leaders to whom the abuses of despotism had subjected them, took an ample share in the glorious march from Torres

* Treaties of Badajoz, 6th of June; of Madrid, 20th of September, 1801. Martens, Supplément, vol. ii. pp. 340. 539.

† Schöell, Histoire Abrégée des Traités de Paix, &c., vol. ix. p. 110.

Vedras to Toulouse, which forms one of the most brilliant pages in history.

The King opened the ports of his American territories to all nations;—a measure in him of immediate necessity, but fraught with momentous consequences. He cemented his ancient relations with Great Britain (which geography no longer forbad) by new treaties; and he bestowed on Brazil a separate administration, with the title of a kingdom. The course of events in the spring of 1814 had been so rapid, that there was no minister in Europe authorised to represent the Court of Rio Janeiro at the Treaty of Paris: but so close was the alliance with England then deemed, that Lord Castlereagh took it upon him, on the part of Portugal, to stipulate for the restoration of French Guiana, which had been conquered by the Portuguese arms. At the Congress of Vienna in the following year, the Portuguese plenipotentiaries protested against the validity of this restoration, and required the retrocession of Olivenza, which had been wrested from them at Badajoz, in a war in which they had been the allies of England. The good offices of the European powers to obtain this last restoration were then solemnly promised, but have hitherto been in vain.

In 1816, John VI. refused to return to Lisbon, though a squadron under Sir John Beresford had been sent to convey him thither; partly because he was displeased at the disregard of his rights, shown by the Congress of Vienna; partly because the unpopularity of the Commercial Treaty had alienated him from England; but probably still more, because he was influenced by the visible growth of a Brazilian party which now aimed at independence. Henceforward, indeed, the separation manifestly approached. The Portuguese of Europe began to despair of seeing the seat of the monarchy at Lisbon; the Regency were without strength; all appointments were obtained from the distant Court of Rio Janeiro;

men and money were drawn away for the Brazilian war on the Rio de la Plata; the army left behind was unpaid: in fine, all the materials of formidable discontent were heaped up in Portugal, when, in the beginning of 1820, the Spanish Revolution broke out. Six months elapsed without a spark having fallen in Portugal. Marshal Beresford went to Rio Janeiro to solicit the interference of the King; but that Prince made no effort to prevent the conflagration; and perhaps no precaution would then have been effectual.

In August, the garrison of Oporto declared for a revolution; and being joined on their march to the Capital by all the troops on their line, were received with open arms by the garrison of Lisbon. It was determined to bestow on Portugal a still more popular constitution than that of Spain. With what prudence or justice the measures of the popular leaders in the south of Europe were conceived or conducted, it is happily no part of our present business to inquire. Those who openly remonstrated against their errors when they seemed to be triumphant, are under no temptation to join the vulgar cry against the fallen. The people of Portugal, indeed, unless guided by a wise and vigorous Government, were destined by the very nature of things, in any political change made at that moment, to follow the course of Spain. The Regency of Lisbon, by the advice of a Portuguese Minister*, at once faithful to his Sovereign, and friendly to the liberty of his country, made an attempt to stem the torrent, by summoning an assembly of the Cortes. The attempt was too late; but it pointed to the only means of saving the monarchy.

The same Minister, on his arrival in Brazil, at the end of the year, advised the King to send his eldest son to Portugal as Viceroy, with a constitutional charter; recommending also the assembling of the most respectable Brazilians at Rio Janeiro, to consider

* Count Palmella. — Ed.

of the improvements which seemed practicable in Brazil. But while these honest, and not unpromising, counsels were the objects of longer discussions than troublous times allow, a revolution broke out in Brazil, in the spring of 1821, the first professed object of which was, not the separation of that country, but the adoption of the Portuguese Constitution. It was acquiesced in by the King, and espoused with the warmth of youth, by his eldest son Don Pedro. But in April, the King, disquieted by the commotions which encompassed him, determined to return to Lisbon, and to leave the conduct of the American revolution to his son. Even on the voyage he was advised to stop at the Azores, as a place where he might negotiate with more independence: but he rejected this counsel; and on his arrival in the Tagus, on the 3d of July, nothing remained but a surrender at discretion. The revolutionary Cortes were as tenacious of the authority of the mother country, as the Royal Administration; and they accordingly recalled the Heir-apparent to Lisbon. But the spirit of independence arose among the Brazilians, who, encouraged by the example of the Spanish-Americans, presented addresses to the Prince, beseeching him not to yield to the demands of the Portuguese Assembly, who desired to make him a prisoner, as they had made his father; but, by assuming the crown of Brazil, to provide for his own safety, as well as for their liberty. In truth it is evident, that he neither could have continued in Brazil without acceding to the popular desire, nor could have then left it without insuring the destruction of monarchy in that country. He acquiesced therefore in the prayer of these flattering petitions; the independence of Brazil was proclaimed; and the Portuguese monarchy was finally dismembered.

In the summer of 1823, the advance of the French army into Spain excited a revolt of the Portuguese royalists. The infant, Don Miguel, the King's second

son, attracted notice, by appearing at the head of a battalion who declared against the Constitution; and the inconstant soldiery, equally ignorant of the object of their revolts against the King or the Cortes, were easily induced to overthrow the slight work of their own hands. Even in the moment of victory, however, John VI. solemnly promised a free government to the Portuguese nation.* A few weeks afterwards, he gave a more deliberate and decisive proof of what was then thought necessary for the security of the throne, and the well-being of the people, by a Royal Decree†, which, after pronouncing the nullity of the constitution of the Cortes, proceeds as follows:—"Conformably to my feelings, and the sincere promises of my Proclamations, and considering that the ancient fundamental laws of the monarchy cannot entirely answer my paternal purposes, without being accommodated to the present state of civilisation, to the mutual relations of the different parts which compose the monarchy, and to the form of representative governments established in Europe, I have appointed a Junta to prepare the plan of a charter of the fundamental laws of the Portuguese monarchy, which shall be founded on the principles of public law, and open the way to a progressive reformation of the administration."

Count Palmella was appointed President of this Junta, composed of the most distinguished men in the kingdom. They completed their work in a few months; and presented to the King the plan of a Constitutional Charter, almost exactly the same with that granted in 1826 by Don Pedro. John VI. was favourable to it, considering it as an adaptation of the ancient fundamental laws to present circumstances. While the Revolution was triumphant, the more rea-

* Proclamations from Villa Francha of the 31st of May and 3d of June.

† Of the 18th of June.

sonable Royalists regretted that no attempt had been made to avoid it by timely concession; and in the first moment of escape, the remains of the same feelings disposed the Court to concede something. But after a short interval of quiet, the possessors of authority relapsed into the ancient and fatal error of their kind,—that of placing their security in maintaining the unbounded power which had proved their ruin. A resistance to the reform of the constitution which grew up in the interior of the Court, was fostered by foreign influence, and after a struggle of some months, prevented the promulgation of the Charter.

In April 1824, events occurred at Lisbon, on which we shall touch as lightly as possible. It is well known that part of the garrison of Lisbon surrounded the King's palace, and hindered the access of his servants to him; that some of his ministers were imprisoned; that the diplomatic body, including the Papal Nuncio, the French Ambassador, and the Russian as well as English Ministers, were the means of restoring him to some degree of liberty, which was however so imperfect and insecure, that, by the advice of the French Ambassador, the King took refuge on board an English ship of war lying in the Tagus, from whence he was at length able to assert his dignity and re-establish his authority. Over the part in these transactions, into which evil counsellors betrayed the inexperience of Don Miguel, it is peculiarly proper to throw a veil, in imitation of his father, who forgave these youthful faults as "involuntary errors." This proof of the unsettled state of the general opinion and feeling respecting the government, suggested the necessity of a conciliatory measure, which might in some measure compensate for the defeat of the Constitutional Charter in the preceding year. The Minister who, both in Europe and in America, had attempted to avert revolution by reform, was not wanting to his Sovereign and his country at this crisis. Still counteracted

by foreign influence, and opposed by a colleague who was a personal favourite of the King, he could not again propose the Charter, nor even obtain so good a substitute for it as he desired: but he had the merit of being always ready to do the best practicable. By his counsel, the King issued a Proclamation on the 4th of June, for restoring the ancient constitution of the Portuguese monarchy, with assurances that an assembly of the Cortes, or Three Estates of the Realm, should be speedily held with all their legal rights, and especially with the privilege of laying before the King, for his consideration, the heads of such measures as they might deem necessary for the public good. To that assembly was referred the consideration of the periodical meetings of succeeding Cortes, and "the means of progressively ameliorating the administration of the state." The Proclamation treats this re-establishment of the ancient constitution as being substantially the same with the Constitutional Charter drawn up by the Junta in the preceding year; and it was accordingly followed by a Decree, dissolving that Junta, as having performed its office. Though these representations were not scrupulously true, yet when we come to see what the rights of the Cortes were in ancient times, the language of the Proclamation will not be found to deviate more widely into falsehood than is usual in the preambles of Acts of State. Had the time for the convocation of the Cortes been fixed, the restoration of the ancient constitution might, without much exaggeration, have been called the establishment of liberty. For this point the Marquis Palmella made a struggle: but the King thought that he had done enough, in granting such a pledge to the Constitutionalists, and was willing to soothe the Absolutists, by reserving to himself the choice of a time. On the next day he created a Junta, to prepare, "without loss of time," the regulations necessary "for the convocation of the Cortes, and for the election of the members." As a new proof of the growing

conviction that a free constitution was necessary, and as a solemn promise that it should be established, the Declaration of the 4th of June is by no means inferior in force to its predecessors. Nay, in that light, it may be considered as deriving additional strength from those appearances of reserve and reluctance which distinguish it from the more ingenious, and really more politic Declarations of 1823. But its grand defect was of a practical nature, and consisted in the opportunity which indefinite delay affords, for evading the performance of a promise.

Immediately after the counter-revolution in 1823, John VI. had sent a mission to Rio Janeiro, requiring the submission of his son and his Brazilian subjects. But, whatever might be the wishes of Don Pedro, he had no longer the power to transfer the allegiance of a people who had tasted independence,—who were full of the pride of their new acquisition,—who valued it as their only security against the old monopoly, and who may well be excused for thinking it more advantageous to name at home the officers of their own government, than to receive rulers and magistrates from the intrigues of courtiers at Lisbon. Don Pedro could not restore to Portugal her American empire; but he might easily lose Brazil in the attempt. A negotiation was opened at London, in the year 1825, under the mediation of Austria and England. The differences between the two branches of the House of Braganza were, it must be admitted, peculiarly untractable. Portugal was to surrender her sovereignty, or Brazil to resign her independence. Union, on equal terms, was equally objected to by both. It was evident that no amicable issue of such a negotiation was possible, which did not involve acquiescence in the separation; and the very act of undertaking the mediation, sufficiently evinced that this event was contemplated by the mediating Powers. The Portuguese minister in London, Count Villa-Real, presented projects which seemed to contain every concession short of indepen-

dence; but the Brazilian deputies, who, though not admitted to the conference, had an unofficial intercourse with the British Ministers, declared, as might be expected, that nothing short of independence could be listened to. It was agreed, therefore, that Sir Charles Stuart, who was then about to go to Rio Janeiro, to negotiate a treaty between England and Brazil, should take Lisbon on his way, and endeavour to dispose the Portuguese Government to consent to a sacrifice which could no longer be avoided. He was formally permitted by his own Government to accept the office of Minister Plenipotentiary from Portugal to Brazil, if it should be proposed to him at Lisbon. Certainly no man could be more fitted for this delicate mediation, both by his extraordinary knowledge of the ancient constitution of Portugal, and by the general confidence which he had gained while a minister of the Regency, during the latter years of the war. After a series of conferences with the Count de Porto Santo, Minister for Foreign Affairs, which continued from the 5th of April to the 23d of May, and in the course of which two points were considered as equally understood,—that John VI. should cede to Don Pedro the sovereignty of Brazil, and that Don Pedro should preserve his undisputed right as heir of Portugal,—he set sail for Rio Janeiro, furnished with full powers, as well as instructions, and more especially with Royal Letters-Patent of John VI., to be delivered on the conclusion of an amicable arrangement, containing the following important and decisive clause:—"And as the succession of the Imperial and Royal Crowns belongs to my beloved son Don Pedro, I do, by these Letters-Patent, cede and transfer to him the full exercise of sovereignty in the empire of Brazil, which is to be governed by him; nominating him Emperor of Brazil, and Prince Royal of Portugal and the Algarves."

A treaty was concluded on the 29th of August, by Sir Charles Stuart, recognising the independence and

separation of Brazil; acknowledging the sovereignty of that country to be vested in Don Pedro; allowing the King of Portugal also to assume the Imperial title; binding the Emperor of Brazil to reject the offer of any Portuguese colony to be incorporated with his dominions; and containing some other stipulations usual in treaties of peace. It was ratified at Lisbon, on the 5th of November following, by Letters-Patent*, from which, at the risk of some repetition, it is necessary to extract two clauses, the decisive importance of which will be shortly seen. "I have ceded and transferred to my beloved son Don Pedro de Alcantara, heir and successor of these kingdoms, all my rights over that country, recognising its independence with the title of empire." "We recognise our said son Don Pedro de Alcantara, Prince of Portugal and the Algarves, as Emperor, and having the exercise of sovereignty in the whole empire."

The part of this proceeding which is intended to preserve the right of succession to the crown of Portugal to Don Pedro, is strictly conformable to diplomatic usage, and to the principles of the law of nations. Whatever relates to the cession of a claim is the proper subject of agreement between the parties, and is therefore inserted in the treaty. The King of Portugal, the former Sovereign of Brazil, cedes his rights or pretensions in *that* country to his son. He releases all his former subjects from their allegiance. He abandons those claims which alone could give him any colour or pretext for interfering in the internal affairs of that vast region. Nothing could have done this effectually, solemnly, and notoriously, but the express stipulation of a treaty. Had Don Pedro therefore been at the same time understood to renounce his right of succession to the crown of Portugal, an explicit stipulation in the treaty to that effect would have been necessary: for such a renunciation

* Gazeta de Lisbon, of the 15th of November.

would have been the cession of a right. Had it even been understood that the recognition of his authority as an independent monarch *implied* the abdication of his rights as heir-apparent to the Portuguese crown, it would have been consonant to the general tenour of the treaty, explicitly to recognise this abdication. The silence of the treaty is a proof that none of the parties to it considered these rights as taken away or impaired by any previous or concomitant circumstance. Stipulations were necessary when the state of regal rights was to be altered; but they would be at least impertinent where it remained unchanged. Silence is in the latter case sufficient; since, where nothing is to be done, nothing needs be said. There is no stipulation in the treaty by which Don Pedro acknowledges the sovereignty of his father in Portugal; because that sovereignty is left in the same condition in which it was before. For the very same reason the treaty has no article for the preservation of Don Pedro's right of succession to Portugal. Had Don Pedro required a stipulation in the treaty for the maintenance of these rights, he would have done an act which would have tended more to bring them into question, than to strengthen them. As they were rights which John VI. could not take away, it was fit and wise to treat them also as rights which no act of his could bestow or confirm.

But though a provision for the preservation of these rights in the treaty was needless, and would have been altogether misplaced, there were occasions on which the recognition of them was fit, and, as a matter of abundant caution, expedient. These occasions are accordingly not passed over. The King of Portugal styles Don Pedro the heir of Portugal, both in the first Letters-Patent, addressed to his Brazilian subjects, in which he recognises the independence of Brazil, and in the second, addressed to his Portuguese subjects, where he ratifies the treaty which definitively established that independence. Acknowledged to be the

monarch, and for the time the lawgiver of Portugal, and necessarily, in these acts, claiming the same authority in Brazil, he announces to the people of both countries that the right of his eldest son to inherit the crown, was, in November, 1825, inviolate, unimpaired, unquestioned.

The ratifications are, besides, a portion of the treaty; and when they are exchanged, they become as much articles of agreement between the parties, as any part of it which bears that name. The recognition repeated in this Ratification proceeded from John VI., and was accepted by Don Pedro. Nothing but express words could have taken away so important a right as that of succession to the crown; in this case, there are express words which recognise it. Though it has been shown that silence would have been sufficient, the same conclusion would unanswerably follow, if the premises were far more scanty. The law of nations has no established forms, a deviation from which is fatal to the validity of the transactions to which they are appropriated. It admits no merely technical objections to conventions formed under its authority, and is bound by no positive rules in the interpretation of them. Wherever the intention of contracting parties is plain, it is the sole interpreter of a contract. Now, it is needless to say that, in the Treaty of Rio Janeiro, taken with the preceding and following Letters-Patent, the *manifest intention* of John VI. was not to impair, but to recognise, the rights of his eldest son to the inheritance of Portugal.

On the 10th of March, 1826, John VI. died at Lisbon. On his death-bed, however, he had made provision for the temporary administration of the government. By a Royal Decree, of the 6th*, he committed the government to his daughter, the Infanta Donna Isabella Maria, assisted by a council during his illness, or, in the event of his death, till "*the legitimate heir and*

* Gazeta de Lisbon, of the 7th of March.

successor to the crown should make other provision in this respect." These words have no ambiguity. In every hereditary monarchy they must naturally, and almost necessarily, denote the eldest son of the King, when he leaves a son. It would, in such a case, require the strongest evidence to warrant the application of them to any other person. It is clear that the King must have had an individual in view, unless we adopt the most extravagant supposition that, as a dying bequest to his subjects, he meant to leave them a disputed succession and a civil war. Who could that individual be, but Don Pedro, his eldest son, whom, according to the ancient order of succession to the crown of Portugal, he had himself called "*heir and successor*," on the 13th of May and 5th of November preceding? Such, accordingly, was the conviction, and the correspondent conduct of all whose rights or interests were concerned. The Regency was immediately installed, and universally obeyed at home, as well as acknowledged, without hesitation or delay, by all the Powers of Europe. The Princess Regent acted in the name, and on the behalf of her brother, Don Pedro. It was impossible that the succession of any Prince to a throne could be more quiet and undisputed.

The Regency, without delay, notified the demise of the late King to their new Sovereign: and then the difficulties of that Prince's situation began to show themselves. Though the treaty had not weakened his hereditary right to Portugal, yet the main object of it was to provide, not only for the independence of Brazil, but for its "separation" from Portugal, which undoubtedly imported a separation of the crowns. Possessing the government of Brazil, and inheriting that of Portugal, he became bound by all the obligations of the treaty between the two states. Though he inherited the crown of Portugal by the laws of that country, yet he was disabled by treaty from *permanently* continuing to hold it with that of Brazil. But if, laying aside unprofitable subtleties, we con-

sult only conscience and common sense, we shall soon discover that these rights and duties are not repugnant, but that, on the contrary, the legal right is the only means of performing the federal duty. The treaty did not expressly determine which of the two crowns Don Pedro was bound to renounce; it therefore left him to make an option between them. For the implied obligations of a contract extend only to those acts of the parties which are necessary to the attainment of its professed object. If he chose,—as he has chosen,—to retain the crown of Brazil, it could not, by reasonable implication, require an *instantaneous* abdication of that of Portugal; because such a limitation of time was not necessary, and might have been very injurious to the object. It left the choice of time, manner, and conditions to himself, requiring only good faith, and interdicting nothing but fraudulent delay. Had he not (according to the principle of all hereditary monarchs) become King of Portugal at the instant of his father's demise, there would have been no person possessed of the legal and actual power in both countries necessary to carry the treaty of separation into effect. If the Portuguese had not acquiesced in his authority, they must have voluntarily chosen anarchy; for no one could have the power to discharge the duty imposed by treaty, or to provide for any of the important changes which it might occasion. The most remarkable example of this latter sort, was the order of succession. The separation of the two crowns rendered it absolutely impossible to preserve that order in both monarchies; for both being hereditary, the legal order required that both crowns should descend to the same person, the eldest son of Don Pedro—the very union which it was the main or sole purpose of the treaty to prevent. A breach in the order of succession became therefore inevitable, either in Portugal or Brazil. Necessity required the deviation. But the same necessity vested in Don Pedro, as a king and a father, the power of regulating, in this respect, the

rights of his family; and the permanent policy of monarchies required that he should carry the devirtion no farther than the necessity.

As the nearer female would inherit before the more distant male, Don Miguel had no right which was immediately involved in the arrangement to be adopted. It is acknowledged, that the two daughters of John VI., married and domiciled in Spain, had lost their rights as members of the Royal Family. Neither the Queen, nor indeed any other person, had a legal title to the regency, which in Portugal, as in France and England, was a case omitted in the constitutional laws; and, as no Cortes had been assembled for a century, could only be provided for by the King, who, of necessity, was the temporary lawgiver. The only parties who could be directly affected by the allotment of the two crowns, were the children of Don Pedro, the eldest of whom was in her sixth year. The more every minute part of this case is considered, the more obvious and indisputable will appear to be the necessity, that Don Pedro should retain the powers of a King of Portugal, until he had employed them for the quiet and safety of both kingdoms, as far as these might be endangered by the separation. He held, and holds, that crown as a trustee for the execution of the treaty. To hold it after the trust is performed, would be usurpation: to renounce it before that period, would be treachery to the trust.

That Don Pedro should have chosen Brazil, must always have been foreseen; for his election was almost determined by his preceding conduct. He preferred Brazil, where he had been the founder of a state, to Portugal, where the most conspicuous measures of his life could be viewed with no more than reluctant acquiescence. The next question which arose was, whether the inevitable breach in the order of succession was to be made in Portugal or Brazil; or, in other words, of which of these two disjoined kingdoms, the Infant Don Sebastian should be the heir-apparent. The father made the same choice for his eldest son as

for himself. As Don Sebastian preserved his right of succession in Brazil, *the principle of the least possible deviation from the legal order* required that the crown of Portugal should devolve on his sister Donna Maria, the next in succession of the Royal Family.

After this exposition of the rights and duties of Don Pedro, founded on the principles of public law, and on the obligations of treaty, and of the motives of policy which might have influenced him in a case where he was left free to follow the dictates of his own judgment, let us consider very shortly what a conscientious ruler would, in such a case, deem necessary to secure to both portions of his subjects all the advantages of their new position. He would be desirous of softening the humiliation of one, of effacing the recent animosities between them, and of reviving their ancient friendship, by preserving every tie which reminded them of former union and common descent. He would therefore, even if he were impartial, desire that they should continue under the same Royal Family which had for centuries ruled both. He would labour, as far as the case allowed, to strengthen the connexions of language, of traditions, of manners, and of religion, by the resemblance of laws and institutions. He would clearly see that his Brazilian subjects never could trust his fidelity to their limited monarchy, if he maintained an absolute government in Portugal; and that the Portuguese people would not long endure to be treated as slaves, while those whom they were not accustomed to regard as their superiors were thought worthy of the most popular constitution. However much a monarch was indifferent or adverse to liberty, these considerations would lose nothing of their political importance: for a single false step in this path might overthrow monarchy in Brazil, and either drive Portugal into a revolution, or seat a foreign army in her provinces, to prevent it. It is evident that popular institutions can alone preserve monarchy in Brazil from falling before

the principles of republican America; and it will hardly be denied, that, though some have questioned the advantage of liberty, no people were ever so mean-spirited as not to be indignant at being thought unworthy of it, as a privilege. Viewing liberty with the same cold neutrality, a wise statesman would have thought it likely to give stability to a new government in Portugal, and to be received there as some consolation for loss of dominion. Portugal, like all the other countries between the Rhine and the Mediterranean, had been convulsed by conquest and revolution. Ambition and rapacity, fear and revenge, political fanaticism and religious bigotry,—all the ungovernable passions which such scenes excite, still agitated the minds of those who had been actors or victims of them. Experience has proved, that no expedient can effectually allay these deep-seated disorders, but the institution of a government in which all interests and opinions are represented,—which keeps up a perpetual negotiation between them,—which compels each in its turn to give up some part of its pretensions,—and which provides a safe field of contest in those cases where a treaty cannot be concluded. Of all the stages in the progress of human society, the period which succeeds the troubles of civil and foreign war is that which most requires this remedy: for it is that in which the minds of men are the most dissatisfied, the most active, and the most aspiring. The experiment has proved most eminently successful in the Netherlands, now beyond all doubt the best governed country of the Continent. It ought to be owned, that it has also in a great measure succeeded in France, Italy, and Spain. Of these countries we shall now say nothing but that, being occupied by foreign armies, they cannot be quoted. If any principle be now universally received in government, it seems to be, that the disorders of such a country must either be contained by foreign arms, or composed by a representative constitution.

But there were two circumstances which rendered the use of this latter remedy peculiarly advisable in Portugal. The first is that it was so explicitly, repeatedly, and solemnly promised by John VI. In the second place, the establishment of a free constitution in Portugal, afforded an opportunity of sealing a definitive treaty of peace between the most discordant parties, by opening (after a due period of probation) to the Prince whom the Ultra-Royalist faction had placed in their front, a prospect of being one day raised to a higher station, under the system of liberty, than he could have expected to reach if both Portugal and Brazil had continued in slavery.*

It is unworthy of a statesman, or of a philosopher, to waste time in childishly regretting the faults of a Prince's personal character. The rulers of Portugal can neither create circumstances, nor form men according to their wishes. They must take men and things as they find them; and their wisdom will be shown, by turning both to the best account. The occasional occurrence of great personal faults in princes, is an inconvenience of hereditary monarchy, which a wise limitation of royal power may abate and mitigate. Elective governments are not altogether exempt from the same evils, besides being liable to others. All comparison of the two systems is, in the present case, a mere exercise of ingenuity: for it is apparent, that liberty has at this time no chance of establishment in Portugal, in any other form than that of a limited monarchy. The situation of Don Miguel renders it possible to found the constitution on an union between him, as the representative of the Ultra-Royalists, and a young Princess, whose rights will be incorporated with the establishment of liberty.

* This was written in the month of December, 1826, before the plan for conciliating the two opposite political parties by means of a matrimonial alliance between Donna Maria and her uncle was abandoned. — Ed.

As soon as Don Pedro was informed of his father's death, he proceeded to the performance of the task which had devolved on him. He began, on the 20th of April, by granting a Constitutional Charter to Portugal. On the 26th he confirmed the Regency appointed by his father, till the proclamation of the constitution. On the 2d of May he abdicated the crown in favour of his daughter, Donna Maria, on condition, however, "that the abdication should not be valid, and the Princess should not quit Brazil, until it be made officially known to him, that the constitution had been sworn to, according to his orders; and that the espousals of the Princess with Don Miguel should have been made, and the marriage concluded; and that the abdication and cession should not take place, if either of these two conditions should fail." * On the 26th of April, Letters-Patent, or writs of summons had issued, addressed to each of those who were to form the House of Peers, of which the Duke de Cadaval was named President, and the Patriarch Elect of Lisbon Vice-President. A decrèe had also been issued on the same day, commanding the Regency of Portugal to take the necessary measures for the immediate election of members of the other House, according to the tenor of the constitutional law.† When these laws and decrees were received at Lisbon, the Regency proceeded instantly to put them into execution; in consequence of which, the Constitution was proclaimed, the Regency installed, the elections commenced, and the Cortes were finally assembled at Lisbon on the 30th of October.

Whether the Emperor of Brazil had, by the laws of Portugal, the power to regulate the affairs of that kingdom, had hitherto given rise to no question. All parties within and without Portugal had treated his right of succession to his father in the throne of that

* Diario Fluminense, of the 20th of May.
† Ibid. 3d of May.

kingdom as undisputed. But no sooner had he exercised that right, by the grant of a free constitution, than it was discovered by some Ultra-Royalists, that he had forfeited the right itself; that his power over Portugal was an usurpation, and his constitutional law an absolute nullity! Don Miguel, whose name was perpetually in the mouth of these writers, continued at Vienna. The Spanish Government and its officers breathed menace and invective. Foreign agency manifested itself in Portugal; and some bodies of troops, both on the northern and southern frontier, were excited to a sedition for slavery. "All foreigners," say the objectors, "are, by the fundamental laws of Portugal, excluded from the succession to the crown. This law, passed at the foundation of the monarchy by the celebrated Cortes of Lamego, in 1143, was confirmed, strengthened, and enlarged by the Cortes of 1641; and under it, on the last occasion, the King of Spain was declared an usurper, and the House of Braganza were raised to the throne. Don Pedro had, by the treaty which recognised him as Emperor of Brazil, become a foreign sovereign, and was, therefore, at the death of his father, disqualified from inheriting the crown of Portugal."

A few years after the establishment of the Normans in England, Henry, a Burgundian Prince, who served under the King of Castile in his wars against the Moors, obtained from that monarch, as a fief, the newly-conquered territory between the rivers Douro and Minho. His son Alfonso threw off the superiority of Castile, and, after defeating the Moors at the great battle of Campo Ouriquez, in 1139, was declared King by the Pope, and acknowledged in that character by an assembly of the principal persons of the community, held at Lamego, in 1143, composed of bishops, nobles of the court, and, as it should seem, of procurators of the towns. The crown, after much altercation, was made hereditary, first in males and then in females; but on condition "that the female should

always marry a man of Portugal, that the kingdom might not fall to foreigners; and that if she should marry a foreign prince, she should not be Queen;" — "*because we will that our kingdom shall go only to the Portuguese, who, by their bravery, have made us King without foreign aid.*" On being asked whether the King should pay tribute to the King of Leon, they all rose up, and, with naked swords uplifted, answered, "Our King is independent; our arms have delivered us; the King who consents to such things shall die." The King, with his drawn sword in his hand, said, "If any one consent to such, let him die. If he should be my son, let him not reign."

The Cortes of 1641, renewing the laws of Lamego, determined that, according to these fundamental institutions, the Spanish Princes had been usurpers, and pronounced John, Duke of Braganza, who had already been seated on the throne by a revolt of the whole people, to be the rightful heir. This Prince, though he appears not to have had any pretensions as a male heir, yet seems to have been the representative of the eldest female who had not lost the right of succession by marriage to a foreigner; and, consequently, he was entitled to the crown, according to the order of succession established at Lamego. The Three Estates presented the Heads of laws to the King, praying that effectual means might be taken to enforce the exclusion of foreigners from the throne, according to the laws passed at Lamego. But as the Estates, according to the old constitution of Portugal, presented their Chapters severally to the King, it was possible that they might differ; and they did so, in some respects, on this important occasion, — not indeed as to the end, for which they were equally zealous, but as to the choice of the best means of securing its constant attainment. The answer of the King to the Ecclesiastical Estate was as follows: — "On this Chapter, for which I thank you, I have already answered to the Chapters of the States of the People and of the

Nobles, in ordaining a law to be made in conformity to that ordained by Don John IV., with the declarations and modifications which shall be most conducive to the conservation and common good of the kingdom." Lawyers were accordingly appointed to draw up the law; but it is clear that the reserve of the King left him ample scope for the exercise of his own discretion, even if it had not been rendered necessary by the variation between the proposals of the three Orders, respecting the means of its execution. But, in order to give our opponents every advantage, as we literally adopt their version, so we shall suppose (for the sake of argument) the royal assent to have been given to the Chapter of the Nobles without alteration, and in all its specific provisions; it being that on which the Absolutists have chosen to place their chief reliance. The Chapter stands thus in their editions: — "The State of the Nobility prays your Majesty to enact a law, ordaining that the succession to the kingdom may never fall to a foreign Prince, nor to his children, though they may be the next to the last in possession; and that, in case the King of Portugal should be called to the succession of another crown, or of a greater empire, he be compelled to live always there; and that if he has two or more male children, the eldest son shall assume the reins in the foreign country, and the second in Portugal, and the latter shall be the only recognised heir and legitimate successor; and, in case there should be only one child to inherit these two kingdoms, these said kingdoms shall be divided between the children of the latter, in the order and form above mentioned. In case there shall be daughters only, the eldest shall succeed in this kingdom, with the declaration that she marry here with a native of the country, chosen and named by the Three Estates assembled in Cortes: should she marry without the consent of the States, she and her descendants shall be declared incapable, and be ousted of the succession; and the Three Estates shall be at liberty to choose a

King from among the natives, if there be no male relation of the Royal Family to whom the succession should devolve."

Now the question is, whether Pedro IV. as the monarch of Brazil, a country separated from Portugal by treaty, became a foreign prince, in the sense intended by these ancient laws, and was thereby disabled from inheriting the crown of Portugal on the decease of John VI.?

This question is not to be decided by verbal chicane. The mischief provided against in these laws was two-fold:—the supposed probability of mal-administration through the succession of a foreigner, ignorant of the country and not attached to it; and the loss of domestic government, if it fell by inheritance to the sovereign of another, especially a greater country. The intention of the lawgiver to guard against both these occurrences affords the only sure means of ascertaining the meaning of his words. But the present case has not even the slightest tendency to expose the country to either danger. Pedro IV. is a native Portuguese, presumed to have as much of the knowledge and feelings belonging to that character as any of his predecessors. The danger to Portuguese independence arises from the inheritance of the crown devolving *in perpetuity, and without qualification*, to a foreign sovereign. Such was the evil actually experienced under Philip II. King of Spain, and his two successors; and the most cursory glance over the law of 1641 shows that the Cortes had that case in view. Had the present resembled it in the important quality of a claim to unconditional inheritance, the authority would have been strong. But, instead of being annexed to a foreign dominion, Pedro IV. takes it only for the express purpose of effectually and perpetually disannexing his other territories from it;—a purpose which he immediately proceeds to carry into execution, by establishing a different line of succession for the crowns of both countries, and by

an abdication, which is to take effect as soon as he has placed the new establishment in a state of security. The case provided against by the law is, that of permanent annexation to a foreign crown; the right exercised by Pedro IV. is, that of a guardian and administrator of the kingdom, during an operation which is necessary to secure it against such annexation. The whole transaction is conformable to the spirit of the two laws, and not repugnant to their letter.

That a *temporary administration* is perfectly consistent with these laws, is evident from the passage:— "If the King of Portugal should be called to the succession of another crown, and there should be only *one* child to inherit the two kingdoms, these said kingdoms shall be divided among the children of the latter"—meaning after his death, and if he should leave children. Here then is a case of *temporary administration* expressly provided for. The father is to rule *both* kingdoms, till there should be at least *two* children to render the division practicable. He becomes, for an uncertain, and possibly a long period, the provisional sovereign of both; merely because he is presumed to be the most proper regulator of territories which are to be divided between his posterity. Now, the principle of such an express exception is, by the rules of fair construction, applicable to every truly and evidently parallel case: and there is precisely the same reason for the tutelary power of Pedro IV. as there would be for that of a father, in the event contemplated by the law of 1641.

The effect of the treaty of Rio Janeiro cannot be inconsistent with this temporary union. Even on the principle of our opponents, it must exist for a shorter or longer time. The treaty did not deprive Pedro of his option between Portugal and Brazil: he must have possessed both crowns, when he was called upon to determine which of them he would lay down. But if it be acknowledged that a short but actual union is necessary, in order to effect the abdication, how can

it be pretended that a longer union may not be equally justifiable, for the honest purpose of quiet and amicable separation?

The Treaty of Rio de Janeiro would have been *self-destructive*, if it had taken from Pedro the power of sovereignty in Portugal immediately on the death of his father: for in that case no authority would exist capable of carrying the Treaty into execution. It must have been left to civil war to determine who was to govern the kingdom; while, if we adopt the principle of Pedro's hereditary succession by law, together with his obligation by treaty to separate the kingdoms, the whole is consistent with itself, and every measure is quietly and regularly carried into effect.

To these considerations we must add the recognition of Pedro "as heir and successor" in the Ratification. Either John VI. had power to decide this question, or he had not. If he had not, the Treaty is null; for it is impossible to deny that the recognition is really a condition granted to Brazil, which is a security for its independence, and the breach of which would annul the whole contract. In that case, Portugal and Brazil are not legally separated. Pedro IV. cannot be called a "foreign prince;" and no law forbids him to reside in the American provinces of the Portuguese dominions. In that case also, exercising all the power of his immediate predecessors, his authority in Portugal becomes absolute; he may punish the Absolutists as rebels, according to their own principles; and it will be for them to show, that his rights, as supreme lawgiver, can be bounded by laws called "fundamental." But,—to take a more sober view,—can it be doubted, that, in a country where the monarch had exercised the whole legislative power for more than a century, his authoritative interpretation of the ancient laws, especially if it is part of a compact with another state, must be conclusive? By repeatedly declaring in the introduction to the Treaty, and in the Rati-

fication of it, that Pedro IV. was "heir and successor" of Portugal, and that he was not divested of that character by the Treaty, which recognised him as Sovereign of Brazil, John VI. did most deliberately and solemnly determine, that his eldest son was *not* a "foreign prince" in the sense in which these words are used by the ancient laws. Such too seems to have been the sense of all parties, even of those the most bitterly adverse to Pedro IV., and most deeply interested in disputing his succession, till he granted a Constitutional Charter to the people of Portugal.

John VI., by his decree for the re-establishment of the ancient constitution of Portugal, had really abolished the absolute monarchy, and in its stead established a government, which, with all its inconveniences and defects, was founded on principles of liberty. For let it not be supposed that the ancient constitution of Portugal had become forgotten or unknown by disuse for centuries, like those legendary systems, under cover of which any novelty may be called a restoration. It was perfectly well known; it was long practised; and never legally abrogated. Indeed the same may be affirmed, with equal truth, of the ancient institutions of the other inhabitants of the Peninsula, who were among the oldest of free nations, but who have so fallen from their high estate as to be now publicly represented as delighting in their chains and glorying in their shame. In Portugal, however, the usurpation of absolute power was not much older than a century. We have already seen, that the Cortes of Lamego, the founders of the monarchy, proclaimed the right of the nation in a spirit as generous, and in a Latinity not much more barbarous, than that of the authors of Magna Charta about seventy years later.

The Infant Don Miguel has sworn to observe and maintain the constitution. In the act of his espousals he acknowledges the sovereignty of the young Queen, and describes himself as only her first subject. The mutinies of the Portuguese soldiers have ceased; but

the conduct of the Court of Madrid still continues to keep up agitation and alarm: for no change was ever effected which did not excite discontent and turbulence enough to serve the purposes of a neighbour straining every nerve to vex and disturb a country. The submission of Don Miguel to his brother and sovereign are, we trust, sincere. He will observe his oath to maintain the constitution, and cheerfully take his place as the first subject of a limited monarchy. The station to which he is destined, and the influence which must long, and may always belong to it, form together a more attractive object of ambition than any which he could otherwise have hoped peaceably and lawfully to attain. No man of common prudence, whatever may be his political opinions, will advise the young Prince to put such desirable prospects to hazard. He will be told by all such counsellors of every party that he must now adapt himself to occurrences which he may learn to consider as fortunate; that loyalty to his brother and his country would now be his clearest interest, if they were not his highest duty; that he must forget all his enmities, renounce all his prejudices, and even sacrifice some of his partialities; and that he must leave full time to a great part of the people of Portugal to recover from those prepossessions and repugnances which they may have contracted.

CHARACTER

OF

CHARLES, FIRST MARQUIS CORNWALLIS.*

CHARLES, Marquis Cornwallis, the representative of a family of ancient distinction, and of no modern nobility, had embraced in early youth the profession of arms. The sentiments which have descended to us from ancient times have almost required the sacrifice of personal ease, and the exposure of personal safety, from those who inherit distinction. All the superiority conferred by society must either be earned by previous services, or at least justified by subsequent merit. The most arduous exertions are therefore imposed on those who enjoy advantages which they have not earned. Noblemen are required to devote themselves to danger for the safety of their fellow-citizens, and to spill their blood more readily than others in the public cause. Their choice is almost limited to that profession which derives its dignity from the contempt of danger and death, and which is preserved from mercenary contamination by the severe but noble renunciation of every reward except honour.

In the early stages of his life there were no remarkable events. His sober and well-regulated mind probably submitted to that industry which is the excellence of a subordinate station, and the basis of

* This character formed the chief part of a discourse delivered at Bombay soon after the decease of Lord Cornwallis.

higher usefulness in a more elevated sphere. The brilliant irregularities which are the ambiguous distinctions of the youth of others found no place in his. He first appeared in the eye of the public during the unhappy civil war between Great Britain and her Colonies, which terminated in the division of the empire. His share in that contest was merely military: in that, as well as in every subsequent part of his life, he was happily free from those conflicts of faction in which the hatred of one portion of our fellow-citizens is ensured by those acts which are necessary to purchase the transient and capricious attachment of the other. A soldier, more fortunate, deserves, and generally receives, the unanimous thanks of his country.

It would be improper here to follow him through all the vicissitudes of that eventful war. There is one circumstance, however, which forms too important a part of his character to be omitted, — he was unfortunate. But the moment of misfortune was, perhaps, the most honourable moment of his life. So unshaken was the respect felt, that calamity did not lower him in the eyes of that public which is so prone to estimate men merely by the effect of their councils. He was not received with those frowns which often undeservedly await the return of the unsuccessful general: his country welcomed him with as much honour as if fortune had attended his virtue, and his sovereign bestowed on him new marks of confidence and favour. This was a most signal triumph. Chance mingles with genius and science in the most renowned victories; but merit and well-earned reputation alone can, preserve an unfortunate general from sinking in popular estimation.

In 1786 his public life became more connected with that part of the British Empire which we now inhabit. This choice was made under circumstances which greatly increased the honour. No man can recollect the situation of India at that period, or the

opinions concerning it in Great Britain, without remembering the necessity, universally felt and acknowledged, for committing the government of our Asiatic territories to a person peculiarly and conspicuously distinguished for prudence, moderation, integrity, and humanity. On these grounds he was undoubtedly selected; and it will not be disputed by any one acquainted with the history of India that his administration justified the choice.

Among the many wise and honest measures which did honour to his government, there are two which are of such importance that they cannot be passed over in silence. The first was, the establishment of a fixed land-rent throughout Bengal, instead of those annually varying, and often arbitrary, exactions to which the landholders of that great province had been for ages subject. This reformation, one of the greatest, perhaps, ever peaceably effected in an extensive and opulent country, has since been followed in the other British territories in the East; and it is the first certain example in India of a secure private property in land, which the extensive and undefined territorial claims of Indian Princes had, in former times, rendered a subject of great doubt and uncertainty. The other distinguishing measure of his government was that judicial system which was necessary to protect and secure the property thus ascertained, and the privileges thus bestowed. By the combined influence of these two great measures, he may confidently be said to have imparted to the subjects of Great Britain in the East a more perfect security of person and property, and a fuller measure of all the advantages of civil society, than had been enjoyed by the natives of India within the period of authentic history; — a portion of these inestimable benefits larger than appears to have been ever possessed by any people of Asia, and probably not much inferior to the share of many flourishing states of Europe in ancient and modern times. It has sometimes been objected to

these arrangements, that the revenue of the sovereign was sacrificed to the comfort and prosperity of the subject. This would have been impossible: the interests of both are too closely and inseparably connected. The security of the subject will always enrich him; and his wealth will always overflow into the coffers of his sovereign. But if the objection were just in point of policy, it would be the highest tribute to the virtue of the governor. To sacrifice revenue to the well-being of a people is a blame of which Marcus Aurelius would have been proud! *

The war in which he was engaged during his Indian government it belongs to the historian to describe: in this place it is sufficient to say that it was founded in the just defence of an ally, that it was carried on with vigour, and closed with exemplary moderation.

In 1793 Lord Cornwallis returned to Europe, leaving behind him a greater and purer name than that of any foreigner who had ruled over India for centuries.

It is one of the most remarkable circumstances in the history of his life, that great offices were scarcely ever bestowed on him in times when they could be mere marks of favour, or very desirable objects of pursuit; but that he was always called upon to under-

* The facility with which he applied his sound and strong understanding to subjects the most distant from those which usually employed it is proved in a very striking manner by a fact which ought not to be forgotten by those who wish to form an accurate estimate of this venerable nobleman. The Company's extensive investment from Bengal depended in a great measure on manufactures, which had fallen into such a state of decay as to be almost hopeless. The Court of Directors warmly recommended this very important part of their interest to Marquis Cornwallis. He applied his mind to the subject with that conscientious zeal which always distinguished him as a servant of the public. He became as familiarly acquainted with its most minute details as most of those who had made it the business of their lives; and he has the undisputed merit of having retrieved these manufactures from a condition in which they were thought desperate.

take them in those seasons of difficulty when the acceptance became a severe and painful duty. One of these unhappy occasions arose in the year 1798. A most dangerous rebellion had been suppressed in Ireland, without extinguishing the disaffection that threatened future rebellions. The prudence, the vigilance, the unspotted humanity, the inflexible moderation of Marquis Cornwallis, pointed him out as the most proper person to compose the dissensions of that generous and unfortunate people. He was accordingly chosen for that mission of benevolence, and he most amply justified the choice. Besides the applause of all good men and all lovers of their country, he received the still more unequivocal honour of the censure of the violent, and the clamours of those whose ungovernable resentments he refused to gratify. He not only succeeded in allaying the animosities of a divided nation, but he was happy enough to be instrumental in a measure which, if it be followed by moderate and healing counsels, promises permanent quiet and prosperity: under his administration Ireland was united to Great Britain. A period was at length put to the long misgovernment and misfortunes of that noble island, and a new era of justice, happiness, and security opened for both the great members of the British Empire.

The times were too full of difficulty to suffer him long to enjoy the retirement which followed his Irish administration. A war, fortunate and brilliant in many of its separate operations, but unsuccessful in its grand objects, was closed by a treaty of peace, which at first was joyfully hailed by the feelings of the public, but which has since given rise to great diversity of judgment. It may be observed, without descending into political contests, that if the terms of the treaty * were necessarily not flattering to national pride, it was the more important to choose a negotiator

* Of Amiens.

who should inspire public confidence, and whose character might shield necessary concessions from unpopularity. Such was unquestionably the principle on which Lord Cornwallis was selected; and such (whatever judgment may be formed of the treaty) is the honourable testimony which it bears to his character.

The offices bestowed on him were not matters of grace: every preferment was a homage to his virtue. He was never invited to the luxuries of high station: he was always summoned to its most arduous and perilous duties. India once more needed, or was thought to need, the guardian care of him who had healed the wounds of conquest, and bestowed on her the blessings of equitable and paternal legislation. Whether the opinion held in England of the perils of our Eastern territories was correct or exaggerated, it is not for us in this place to inquire. It is enough to know that the alarm was great and extensive, and that the eyes of the nation were once more turned towards Lord Cornwallis. Whether the apprehensions were just or groundless, the tribute to his character was equal. He once more accepted the government of these extensive dominions, with a full knowledge of his danger, and with no obscure anticipation of the probability of his fate. He obeyed his sovereign, nobly declaring, "that if he could render service to his country, it was of small moment to him whether he died in India or in Europe;" and no doubt thoroughly convinced that it was far better to die in the discharge of great duties than to add a few feeble inactive years to life. Great Britain, divided on most public questions, was unanimous in her admiration of this signal sacrifice; and British India, however various might be the political opinions of her inhabitants, welcomed the Governor General with only one sentiment of personal gratitude and reverence.

Scarcely had he arrived when he felt the fatal influence of the climate which, with a clear view of its

terrors, he had resolved to brave. But he neither yielded to the languor of disease, nor to the infirmity of age. With all the ardour of youth, he flew to the post where he was either to conclude an equitable peace, or, if that were refused, to prosecute necessary hostilities with rigour. His malady became more grievous, and for some time stopped his progress. On the slightest alleviation of his symptoms he resumed his journey, though little hope of recovery remained, with an inflexible resolution to employ what was left of life, in the performance of his duty to his country. He declared to his surrounding friends, "that he knew no reason to fear death; and that if he could remain in the world but a short time longer to complete the plans of public service in which he was engaged, he should then cheerfully resign his life to the Almighty Giver;"—a noble and memorable declaration, expressive of the union of every private, and civil, and religious excellence, in which the consciousness of a blameless and meritorious life is combined with the affectionate zeal of a dying patriot, and the meek submission of a pious Christian. But it pleased God, "whose ways are not as our ways," to withdraw him from this region of the universe before his honest wishes of usefulness could be accomplished, though doubtless not before the purposes of Providence were fulfilled. He expired at Gazeepore, in the province of Benares, on the 5th of October, 1805,—supported by the remembrance of his virtue, and by the sentiments of piety which had actuated his whole life.

His remains are interred on the spot where he died, on the banks of that famous river, which washes no country, not either blessed by his government, or visited by his renown; and in the heart of that province so long the chosen seat of religion and learning in India, which under the influence of his beneficent system, and under the administration of good men whom he had chosen, had risen from a state of decline

and confusion to one of prosperity probably unrivalled in the happiest times of its ancient princes. "His body is buried in peace, and his name liveth for evermore."

The Christian religion is no vain superstition, which divides the worship of God from the service of man. Every social duty is a Christian grace. Public and private virtue is considered by Christianity, as the purest and most acceptable incense which can ascend before the Divine Throne. Political duties are a most momentous part of morality, and morality is the most momentous part of religion. When the political life of a great man has been guided by the rules of morality, and consecrated by the principles of religion, it may, and it ought to be commemorated, that the survivors may admire and attempt to copy, not only as men and citizens, but as Christians. It is due to the honour of Religion and Virtue,—it is fit for the confusion of the impious and the depraved, to show that these sacred principles are not to be hid in the darkness of humble life to lead the prejudiced and amuse the superstitious, but that they appear with their proper lustre at the head of councils, of armies, and of empires,—the supports of valour,—the sources of active and enlightened beneficence,—the companions of all real policy,—and the guides to solid and durable glory.

A distinction has been made in our times among statesmen, between Public and Private Virtue: they have been supposed to be separable. The neglect of every private obligation, has been supposed to be compatible with public virtue, and the violation of the most sacred public trust has been thought not inconsistent with private worth:—a deplorable distinction, the creature of corrupt sophistry, disavowed by Reason and Morals, and condemned by all the authority of Religion. No such disgraceful inconsistency, or flagrant hypocrisy, disgraced the character of the venerable person of whom I speak,—of whom we may,

without suspicion of exaggeration, say, that he performed with equal strictness every office of public or private life; that his public virtue was not put on for parade, like a gaudy theatrical dress, but that it was the same integrity and benevolence which attended his most retired moments; that with a simple and modest character, alien to ostentation, and abhorrent from artifice,—with no pursuit of popularity, and no sacrifice to court favour,—by no other means than an universal reputation for good sense, humanity, and honesty, he gained universal confidence, and was summoned to the highest offices at every call of danger.

He has left us an useful example of the true dignity of these invaluable qualities, and has given us new reason to thank God that we are the natives of a country yet so uncorrupted as to prize them thus highly. He has left us an example of the pure statesman,—of a paternal governor,—of a warrior who loved peace,—of a hero without ambition,—of a conqueror who showed unfeigned moderation in the moment of victory,—and of a patriot who devoted himself to death for his country. May this example be as fruitful, as his memory will be immortal! May the last generations of Britain aspire to copy and rival so pure a model! And when the nations of India turn their eyes to his monument, rising amidst fields which his paternal care has restored to their ancient fertility, may they who have long suffered from the violence of those who are unjustly called "Great," at length learn to love and reverence the Good.

CHARACTER

OF THE

RIGHT HON. GEORGE CANNING.*

WITHOUT invidious comparison, it may be safely said that, from the circumstances in which he died, his death was more generally interesting among civilised nations than that of any other English statesman had ever been. It was an event in the internal history of every country. From Lima to Athens, every nation struggling for independence or existence, was filled by it with sorrow and dismay. The Miguelites of Portugal, the Apostolicals of Spain, the Jesuit faction in France, and the Divan of Constantinople, raised a shout of joy at the fall of their dreaded enemy. He was regretted by all who, heated by no personal or party resentment, felt for genius struck down in the act of attempting to heal the revolutionary distemper, and to render future improvements pacific, on the principle since successfully adopted by more fortunate, though not more deserving, ministers,—that of an honest compromise between the interests and the opinions,—the prejudices and the demands,—of the

* Contributed to the "Keepsake" of 1828, under the title of "Sketch of a Fragment of the History of the Nineteenth Century," in which, as the author announces in a notice prefixed to it, the temper of the future historian of the present times is affected.—ED.

supporters of establishments, and the followers of reformation.

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The family of Mr. Canning, which for more than a century had filled honourable stations in Ireland, was a younger branch of an ancient one among the English gentry. His father, a man of letters, had been disinherited for an imprudent marriage; and the inheritance went to a younger brother, whose son was afterwards created Lord Garvagh. Mr. Canning was educated at Eton and Oxford, according to that exclusively classical system, which, whatever may be its defects, must be owned, when taken with its constant appendages, to be eminently favourable to the cultivation of sense and taste, as well as to the developement of wit and spirit. From his boyhood he was the foremost among very distinguished contemporaries, and continued to be regarded as the best specimen, and the most brilliant representative, of that eminently national education. His youthful eye sparkled with quickness and arch pleasantry; and his countenance early betrayed that jealousy of his own dignity, and sensibility to suspected disregard, which were afterwards softened, but never quite subdued. Neither the habits of a great school, nor those of a popular assembly, were calculated to weaken his love of praise and passion for distinction; but, as he advanced in years, his fine countenance was ennobled by the expression of thought and feeling; he more pursued that lasting praise, which is not to be earned without praiseworthiness; and, if he continued to be a lover of fame, he also passionately loved the glory of his country. Even he who almost alone was entitled to look down on fame as "that last infirmity of noble minds," had not forgotten that it was—

> "The spur that the clear spirit doth raise,
> To scorn delights, and live laborious days."*

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* Lycidas.

The natural bent of character is, perhaps, better ascertained from the undisturbed and unconscious play of the mind in the common intercourse of society, than from its movements under the power of strong interest or warm passions in public life. In social intercourse Mr. Canning was delightful. Happily for the true charm of his conversation he was too busy not to treat society as more fitted for relaxation than for display. It is but little to say, that he was neither disputatious, declamatory, nor sententious,—neither a dictator nor a jester. His manner was simple and unobtrusive;—his language always quite familiar. If a higher thought stole from his mind, it came in its conversational undress. From this plain ground his pleasantry sprang with the happiest effect; and it was nearly exempt from that alloy of taunt and banter, which he sometimes mixed with more precious materials in public contest. He may be added to the list of those eminent persons who pleased most in their friendly circle. He had the agreeable quality of being more easily pleased in society than might have been expected from the keenness of his discernment, and the sensibility of his temper: still he was liable to be discomposed, or even silenced, by the presence of any one whom he did not like. His manner in company betrayed the political vexations or anxieties which preyed on his mind; nor could he conceal that sensitiveness to public attacks which their frequent recurrence wears out in most English politicians. These last foibles may be thought interesting as the remains of natural character, not destroyed by refined society and political affairs. He was assailed by some adversaries so ignoble as to wound him through his filial affection, which preserved its respectful character through the whole course of his advancement.

The ardent zeal for his memory, which appeared immediately after his death, attests the warmth of those domestic affections which seldom prevail where they are not mutual. To his touching epitaph on his

son, parental love has given a charm which is wanting in his other verses. It was said of him, at one time, that no man had so little popularity and such affectionate friends; and the truth was certainly more sacrificed to point in the former than in the latter member of the contrast. Some of his friendships continued in spite of political differences (which, by rendering intercourse less unconstrained, often undermined friendship); and others were remarkable for a warmth, constancy, and disinterestedness, which, though chiefly honourable to those who were capable of so pure a kindness, yet redound to the credit of him who was the object of it. No man is thus beloved who is not himself formed for friendship.

Notwithstanding his disregard for money, he was not tempted in youth by the example or the kindness of affluent friends much to overstep his little patrimony. He never afterwards sacrificed to parade or personal indulgence; though his occupations scarcely allowed him to think enough of his private affairs. Even from his moderate fortune, his bounty was often liberal to suitors to whom official relief could not be granted. By a sort of generosity still harder for him to practise, he endeavoured, in cases where the suffering was great, though the suit could not be granted, to satisfy the feelings of the suitor by a full explanation in writing of the causes which rendered compliance impracticable. Wherever he took an interest, he showed it as much by delicacy to the feelings of those whom he served or relieved, as by substantial consideration for their claims;—a rare and most praiseworthy merit among men in power.

In proportion as the opinion of a people acquires influence over public affairs, the faculty of persuading men to support or oppose political measures acquires importance. The peculiar nature of Parliamentary debate contributes to render eminence in that province not so imperfect a test of political ability as it might appear to be. Recited speeches can seldom

show more than powers of reasoning and imagination; which have little connection with a capacity for affairs. But the unforeseen events of debate, and the necessity of immediate answer in unpremeditated language, afford scope for the quickness, firmness, boldness, wariness, presence of mind, and address in the management of men, which are among the qualities most essential to a statesman. The most flourishing period of our Parliamentary eloquence extends for about half a century,—from the maturity of Lord Chatham's genius to the death of Mr. Fox. During the twenty years which succeeded, Mr. Canning was sometimes the leader, and always the greatest orator, of the party who supported the Administration; in which there were able men who supported, without rivalling him, against opponents also not thought by him inconsiderable. Of these last, one, at least, was felt by every hearer, and acknowledged in private by himself, to have always forced his faculties to their very uttermost stretch.*

Had he been a dry and meagre speaker, he would have been universally allowed to have been one of the greatest masters of argument; but his hearers were so dazzled by the splendour of his diction, that they did not perceive the acuteness and the occasionally excessive refinement of his reasoning;—a consequence which, as it shows the injurious influence of a seductive fault, can with the less justice be overlooked in the estimate of his understanding. Ornament, it must be owned, when it only pleases or amuses, without disposing the audience to adopt the sentiments of the speaker, is an offence against the first law of public speaking; it obstructs instead of promoting its only reasonable purpose. But eloquence is a widely extended art, comprehending many sorts of excellence; in some of which ornamented diction is more liberally employed than in others; and in none of

* Mr. (now Lord) Brougham is the person alluded to.—Ed.

which the highest rank can be attained, without an extraordinary combination of mental powers. Among our own orators, Mr. Canning seems to have been the best model of the adorned style. The splendid and sublime descriptions of Mr. Burke,—his comprehensive and profound views of general principle,—though they must ever delight and instruct the reader, must be owned to have been digressions which diverted the mind of the hearer from the object on which the speaker ought to have kept it steadily fixed. Sheridan, a man of admirable sense and matchless wit, laboured to follow Burke into the foreign regions of feeling and grandeur. The specimens preserved of his most celebrated speeches show too much of the exaggeration and excess to which those are peculiarly liable who seek by art and effort what nature has denied. By the constant part which Mr. Canning took in debate, he was called upon to show a knowledge which Sheridan did not possess, and a readiness which that accomplished man had no such means of strengthening and displaying. In some qualities of style, Mr. Canning surpassed Mr. Pitt. His diction was more various,—sometimes more simple,—more idiomatical, even in its more elevated parts. It sparkled with imagery, and was brightened by illustration; in both of which Mr. Pitt, for so great an orator, was defective.

No English speaker used the keen and brilliant weapon of wit so long, so often, or so effectively, as Mr. Canning. He gained more triumphs, and incurred more enmity by it, than by any other. Those whose importance depends much on birth and fortune are impatient of seeing their own artificial dignity, or that of their order, broken down by derision; and perhaps few men heartily forgive a successful jest against themselves, but those who are conscious of being unhurt by it. Mr. Canning often used this talent imprudently. In sudden flashes of wit, and in the playful description of men or things, he was often

distinguished by that natural felicity which is the charm of pleasantry; to which the air of art and labour is more fatal than to any other talent. Sheridan was sometimes betrayed by an imitation of the dialogue of his master, Congreve, into a sort of laboured and finished jesting, so balanced and expanded, as sometimes to vie in tautology and monotony with the once applauded triads of Johnson; and which, even in its most happy passages, is more sure of commanding serious admiration than hearty laughter. It cannot be denied that Mr. Canning's taste was, in this respect, somewhat influenced by the example of his early friend. The exuberance of fancy and wit lessened the gravity of his general manner, and perhaps also indisposed the audience to feel his earnestness where it clearly showed itself. In that important quality he was inferior to Mr. Pitt,—

> "Deep on whose front engraven,
> Deliberation sat, and public care!"*

and no less inferior to Mr. Fox, whose fervid eloquence flowed from the love of his country, the scorn of baseness, and the hatred of cruelty, which were the ruling passions of his nature.

On the whole, it may be observed, that the range of Mr. Canning's powers as an orator was wider than that in which he usually exerted them. When mere statement only was allowable, no man of his age was more simple. When infirm health compelled him to be brief, no speaker could compress his matter with so little sacrifice of clearness, ease, and elegance. In his speech on Colonial Reformation, in 1823, he seemed to have brought down the philosophical principles and the moral sentiments of Mr. Burke to that precise level where they could be happily blended with a grave and dignified speech, intended as an introduction to a new system of legislation. As his oratorical faults were those of youthful genius, the

* Paradise Lost, Book II. — Ed.

progress of age seemed to purify his eloquence, and every year appeared to remove some speck which hid, or, at least, dimmed, a beauty. He daily rose to larger views, and made, perhaps, as near approaches to philosophical principles as the great difference between the objects of the philosopher and those of the orator will commonly allow.

Mr. Canning possessed, in a high degree, the outward advantages of an orator. His expressive countenance varied with the changes of his eloquence: his voice, flexible and articulate, had as much compass as his mode of speaking required. In the calm part of his speeches, his attitude and gesture might have been selected by a painter to represent grace rising towards dignity.

When the memorials of his own time,—the composition of which he is said never to have interrupted in his busiest moments,—are made known to the public, his abilities as a writer may be better estimated. His only known writings in prose are State Papers, which, when considered as the composition of a Minister for Foreign Affairs, in one of the most extraordinary periods of European history, are undoubtedly of no small importance. Such of these papers as were intended to be a direct appeal to the judgment of mankind combine so much precision, with such uniform circumspection and dignity, that they must ever be studied as models of that very difficult species of composition. His Instructions to ministers abroad, on occasions both perplexing and momentous, will be found to exhibit a rare union of comprehensive and elevated views, with singular ingenuity in devising means of execution; on which last faculty he sometimes relied perhaps more confidently than the short and dim foresight of man will warrant. "Great affairs," says Lord Bacon, "are commonly too coarse and stubborn to be worked upon by the fine edges and points of wit."*

* It may be proper to remind the reader, that here the word "wit" is used in its ancient sense.

His papers in negotiation were occasionally somewhat too controversial in their tone: they were not near enough to the manner of an amicable conversation about a disputed point of business, in which a negotiator does not so much draw out his argument, as hint his own object, and sound the intention of his opponent. He sometimes seems to have pursued triumph more than advantage, and not to have remembered that to leave the opposite party satisfied with what he has got, and in good humour with himself, is not one of the least proofs of a negotiator's skill. Where the papers were intended ultimately to reach the public through Parliament, it might have been prudent to regard chiefly the final object; and when this excuse was wanting, much must be pardoned to the controversial habits of a Parliamentary life. It is hard for a debater to be a negotiator: the faculty of guiding public assemblies is very remote from the art of dealing with individuals.

Mr. Canning's power of writing verse may rather be classed with his accomplishments, than numbered among his high and noble faculties. It would have been a distinction for an inferior man. His verses were far above those of Cicero, of Burke, and of Bacon. The taste prevalent in his youth led him to feel more relish for sententious declaimers than is shared by lovers of the true poetry of imagination and sensibility. In some respects his poetical compositions were also influenced by his early intercourse with Mr. Sheridan, though he was restrained by his more familiar contemplation of classical models, from the glittering conceits of that extraordinary man. Something of an artificial and composite diction is discernible in the English poems of those who have acquired reputation by Latin verse,—more especially since the pursuit of rigid purity has required so timid an imitation as not only to confine itself to the words, but to adopt none but the phrases of ancient poets. Of this effect Gray must be allowed to furnish an example.

Absolute silence about Mr. Canning's writings as a political satirist, — which were for their hour so popular, — might be imputed to undue timidity. In that character he yielded to General Fitzpatrick in arch stateliness and poignant raillery; to Mr. Moore in the gay prodigality with which he squanders his countless stores of wit; and to his own friend Mr. Frere in the richness of a native vein of original and fantastic drollery. In that ungenial province, where the brightest of laurels are apt very soon to fade, and where Dryden only boasts immortal lays, it is perhaps his best praise to record that there is no writing of his, which a man of honour might not have avowed as soon as the first heat of contest was past.

In some of the amusements or tasks of his boyhood there are passages which, without much help from fancy, might appear to contain allusions to his greatest measures of policy, as well as to the tenor of his life, and to the melancholy splendour which surrounded his death. In the concluding line of the first English verses written by him at Eton, he expressed a wish, which has been singularly realised, that he might—

"Live in a blaze, and in a blaze expire."

It is a striking coincidence, that the statesman, whose dying measure was to mature an alliance for the deliverance of Greece, should, when a boy, have written English verses on the slavery of that country; and that in his prize poem at Oxford, on the Pilgrimage to Mecca, — a composition as much applauded as a modern Latin poem can aspire to be, — he should have as bitterly deplored the lot of other renowned countries, now groaning under the same barbarous yoke, —

"Nunc Satrapæ imperio et sævo subdita Turcæ."*

To conclude: — he was a man of fine and brilliant

* Iter ad Meccam, Oxford, 1789.

genius, of warm affections, of a high and generous spirit,—a statesman, who, at home, converted most of his opponents into warm supporters; who, abroad, was the sole hope and trust of all who sought an orderly and legal liberty; and who was cut off in the midst of vigorous and splendid measures, which, if executed by himself, or with his own spirit, promised to place his name in the first class of rulers, among the founders of lasting peace, and the guardians of human improvement.

JACKSON
COLLECTION.

PREFACE

TO A REPRINT OF

THE EDINBURGH REVIEW

OF 1755.*

It is generally known that two numbers of a Critical Journal were published at Edinburgh in the year 1755, under the title of the "Edinburgh Review." The following volume contains an exact reprint of that Review, now become so rare that it is not to be found in the libraries of some of the most curious collectors. To this reprint are added the names of the writers of the most important articles. Care has been taken to authenticate the list of names by reference to well-informed persons, and by comparison with copies in the possession of those who have derived their information from distinct and independent sources. If no part of it should be now corrected by those Scotchmen of letters still living who may have known the fact from the writers themselves, we may regard this literary secret as finally discovered, with some gratification to the curious reader, and without either pain to the feelings, or wrong to the character of any one. There are few anonymous writers the discovery of whose names would be an object of curiosity after the lapse of sixty years: there are perhaps still fewer

* Published in 1816. — Ed.

whose secret might be exposed to the public after that long period with perfect security to their reputation for equity and forbearance.

The mere circumstance that this volume contains the first printed writings of Adam Smith and Robertson, and the only known publication of Lord Chancellor Rosslyn, will probably be thought a sufficient reason for its present appearance.

Of the eight articles which appear to have been furnished by Dr. Robertson, six are on historical subjects. Written during the composition of the History of Scotland, they show evident marks of the wary understanding, the insight into character, the right judgment in affairs, and the union of the sober speculation of a philosopher with the practical prudence of a statesman, as well as the studied elegance and somewhat ceremonious stateliness of style which distinguish his more elaborate writings. He had already succeeded in guarding his diction against the words and phrases of the dialect which he habitually spoke; — an enterprise in which he had no forerunner, and of which the difficulty even now can only be estimated by a native of Scotland. The dread of inelegance in a language almost foreign kept him, as it has kept succeeding Scotch writers, at a distance from the familiar English, the perfect use of which can be acquired only by conversation from the earliest years. Two inaccurate expressions only are to be found in these early and hasty productions of this elegant writer. Instead of "individuals" he uses the Gallicism "particulars;" and for "enumeration" he employs "induction," — a term properly applicable only with a view to the general inference which enumeration affords. In the review of the History of Peter the Great it is not uninteresting to find it remarked, that the violence and ferocity of that renowned barbarian perhaps partly fitted him to be the reformer of a barbarous people; as it was afterwards observed in the Histories of Scotland and of Charles V., that a

milder and more refined character might have somewhat disqualified Luther and Knox for their great work. Two articles being on Scottish affairs were natural relaxations for the historian of Scotland. In that which relates to the Catalogue of Scottish Bishops we observe a subdued smile at the eagerness of the antiquary and the ecclesiastical partisan, qualified indeed by a just sense of the value of the collateral information which their toil may chance to throw up, but which he was too cautious and decorous to have hazarded in his avowed writings. That he reviewed Douglas's Account of North America was a fortunate circumstance, if we may suppose that the recollection might at a distant period have contributed to suggest the composition of the History of America. None of these writings could have justified any expectation of his historical fame; because they furnished no occasion for exerting the talent for narration,—the most difficult but the most necessary attainment of an historian, and one in which he has often equalled the greatest masters of his art. In perusing the two essays of a literary sort which are ascribed to him, it may seem that he has carried lenient and liberal criticism to an excess. His mercy to the vicious style of Hervey may have been in some measure the result of professional prudence: but it must be owned that he does not seem enough aware of the interval between Gray and Shenstone, and that he names versifiers now wholly forgotten. Had he and his associates, however, erred on the opposite extreme,—had they underrated and vilified works of genius, their fault would now appear much more offensive. To overrate somewhat the inferior degrees of real merit which are reached by contemporaries is indeed the natural disposition of superior minds, when they are neither degraded by jealousy nor inflamed by hostile prejudice. The faint and secondary beauties of contemporaries are aided by novelty: they are brought near enough to the attention by curiosity; and they are

compared with their competitors of the same time instead of being tried by the test of likeness to the produce of all ages and nations. This goodnatured exaggeration encourages talent, and gives pleasure to readers as well as writers, without any permanent injury to the public taste. The light which seems brilliant only because it is near the eye, cannot reach the distant observer. Books which please for a year, which please for ten years, and which please for ever, gradually take their destined stations. There is little need of harsh criticism to forward this final justice. The very critic who has bestowed too prodigal praise, if he long survives his criticism, will survive also his harmless error. Robertson never ceased to admire Gray: but he lived long enough probably to forget the name of Jago.

In the contributions of Dr. Adam Smith it is easy to trace his general habits both of thinking and writing. Among the inferior excellencies of this great philosopher, it is not to be forgotten that in his full and flowing composition he manages the English language with a freer hand and with more native ease than any other Scottish writer. Robertson avoids Scotticisms: but Smith might be taken for an English writer not peculiarly idiomatical. It is not improbable that the early lectures of Hutcheson, an eloquent native of Ireland, and a residence at Oxford from the age of seventeen to that of twenty-four, may have aided Smith in the attainment of this more free and native style. It must however be owned that his works, confined to subjects of science or speculation, do not afford the severest test of a writer's familiarity with a language. On such subjects it is comparatively easy, without any appearance of constraint or parade, to avoid the difficulties of idiomatical expression by the employment of general and technical terms. His review of Johnson's Dictionary is chiefly valuable as a proof that neither of these eminent persons was well qualified to write an English

dictionary. The plan of Johnson and the specimens of Smith are alike faulty. At that period, indeed, neither the cultivation of our old literature, nor the study of the languages from which the English springs or to which it is related, nor the habit of observing the general structure of language, was so far advanced as to render it possible for this great work to approach perfection. His parallel between French and English writers* is equally just and ingenious, and betrays very little of that French taste in polite letters, especially in dramatic poetry, to which Dr. Smith and his friend Mr. Hume were prone. The observations on the life of a savage, which when seen from a distance appears to be divided between Arcadian repose and chivalrous adventure, and by this union is the most alluring object of general curiosity and the natural scene of the golden age both of the legendary, and of the paradoxical sophist, are an example of those original speculations on the reciprocal influence of society and opinions which characterise the genius of Smith. The commendation of Rousseau's eloquent Dedication to the Republic of Geneva, for expressing "that *ardent* and *passionate esteem* which it becomes a good citizen to entertain for the government of his country and the character of his countrymen," is an instance of the seeming exaggeration of just principles, arising from the employment of the language of moral feeling, as that of ethical philosophy, which is very observable in the Theory of Moral Sentiments.

Though the contributions of Alexander Wedderburn, afterwards Earl of Rosslyn, afforded little scope for the display of mental superiority, it is not uninteresting to examine the first essays in composition of a man whose powers of reason and eloquence raised him to the highest dignity of the State. A Greek grammar and two law books were allotted to

* Letter to the Editor, at the end of the volume.

him as subjects of criticism. Humble as these subjects are, an attentive perusal will discover in his remarks on them a distinctness of conception and a terseness as well as precision of language which are by no means common qualities of writing. One error in the use of the future tense deserves notice only as it shows the difficulties which he had to surmount in acquiring what costs an Englishman no study. The praise bestowed in his Preface on Buchanan for an "undaunted spirit of liberty," is an instance of the change which sixty years have produced in political sentiment. Though that great writer was ranked among the enemies of monarchy *, the praise of him, especially in Scotland, was a mark of fidelity to a government which, though monarchical, was founded on the principles of the Revolution, and feared no danger but from the partisans of hereditary right. Both the criticisms and the ingenious and judicious Preface show the early taste of a man who at the age of twenty-two withstands every temptation to unseasonable display. The love of letters, together with talents already conspicuous, had in the preceding year (1754) placed him in the chair at the first meeting of a literary society of which Hume and Smith were members. The same dignified sentiment attended him through a long life of activity and ambition, and shed a lustre over his declining years. It was respectably manifested by fidelity to the literary friends of his youth, and it gave him a disposition, perhaps somewhat excessive, to applaud every shadow of the like merit in others.

The other writers are only to be regarded as respectable auxiliaries in such an undertaking. Dr. Blair is an useful example, that a station among good writers may be attained by assiduity and good sense, with the help of an uncorrupted taste; while for the want of

* He is usually placed with Languet and Althusen among the *Monarchomists.*

these qualities, it is often not reached by others whose powers of mind may be allied to genius.

The delicate task of reviewing the theological publications of Scotland was allotted to Mr. Jardine, one of the ministers of Edinburgh, whose performance of that duty would have required no particular notice, had it not contributed with other circumstances to bring the work to its sudden and unexpected close. At the very moment when Mr. Wedderburn (in his note at the end of the second number) had announced an intention to enlarge the plan, he and his colleagues were obliged to relinquish the work.

The temper of the people of Scotland was at that moment peculiarly jealous on every question that approached the boundaries of theology. A popular election of the parochial clergy had been restored with Presbytery by the Revolution. The rights of Patrons had been reimposed on the Scottish Church in the last years of Queen Anne, by Ministers who desired, if they did not meditate, the re-establishment of Episcopacy. But for thirty years afterwards this unpopular right was either disused by the Patrons or successfully resisted by the people. The zealous Presbyterians still retained the doctrine and spirit of the Covenanters; and their favourite preachers, bred up amidst the furious persecutions of Charles the Second, had rather learnt piety and fortitude than acquired that useful and ornamental learning which becomes their order in times of quiet. Some of them had separated from the Church on account of lay Patronage, among other marks of degeneracy. But besides these Seceders, the majority of the Established clergy were adverse to the law of Patronage, and disposed to connive at resistance to its execution. On the other hand, the more lettered and refined ministers of the Church, who had secretly relinquished many parts of the Calvinistic system,—from the unpopularity of their own opinions and modes of preaching, from their connexion with the gentry who held

the rights of Patronage, and from repugnance to the vulgar and illiterate ministers whom turbulent elections had brought into the Church,—became hostile to the interference of the people, and zealously laboured to enforce the execution of a law which had hitherto remained almost dormant. The Orthodox party maintained the rights of the people against a regulation imposed on them by their enemies; and the party which in matters of religion claimed the distinction of liberality and toleration, contended for the absolute authority of the civil magistrate to the destruction of a right which more than any other interested the conscience of the people of Scotland. At the head of this last party was Dr. Robertson, one of the contributors to the present volume, who about the time of its appearance was on the eve of effecting a revolution in the practice of the Church, by at length compelling the stubborn Presbyterians to submit to the authority of a law which they abhorred.

Another circumstance rendered the time very perilous for Scotch reviewers of ecclesiastical publications. The writings of Mr. Hume, the intimate friend of the leader of the tolerant clergy, very naturally excited the alarm of the Orthodox party, who, like their predecessors of the preceding age, were zealous for the rights of the people, but confined their charity within the pale of their own communion, and were much disposed to regard the impunity of heretics and infidels as a reproach to a Christian magistrate. In the year 1754 a complaint to the General Assembly against the philosophical writings of Mr. Hume and Lord Kames was with difficulty eluded by the friends of free discussion. The writers of the Review were aware of the danger to which they were exposed by these circumstances. They kept the secret of their Review from Mr. Hume, the most intimate friend of some of them. They forbore to notice in it his History of the Stuarts, of which the first volume appeared at

Edinburgh two months before the publication of the Review; though it is little to say that it was the most remarkable work which ever issued from the Scottish press.

They trusted that the moderation and well-known piety of Mr. Jardine would conduct them safely through the suspicion and jealousy of jarring parties. Nor does it in fact appear that any part of his criticisms is at variance with that enlightened reverence for religion which he was known to feel; but he was somewhat influenced by the ecclesiastical party to which he adhered. He seems to have thought that he might securely assail the opponents of Patronage through the sides of Erskine, Boston, and other popular preachers, who were either Seceders, or divines of the same school. He even ventured to use the weapon of ridicule against their extravagant metaphors, their wire-drawn allegories, their mean allusions, and to laugh at those who complained of "the connivance at Popery, the toleration of Prelacy, the pretended rights of Lay Patrons,—of heretical professors in the universities, and a lax clergy in possession of the churches," as the crying evils of the time.

This species of attack, at a moment when the religious feelings of the public were thus susceptible, appears to have excited general alarm. The Orthodox might blame the writings criticised without approving the tone assumed by the critic: the multitude were exasperated by the scorn with which their favourite writers were treated: and many who altogether disapproved these writings might consider ridicule as a weapon of doubtful propriety against language habitually employed to convey the religious and moral feelings of a nation. In these circumstances the authors of the Review did not think themselves bound to hazard their quiet, reputation, and interest, by perseverance in their attempt to improve the taste of their countrymen.

It will not be supposed that the remarks made above

on the ecclesiastical parties in Scotland sixty years ago can have any reference to their political character at the present day. The principles of toleration now seem to prevail among the Scottish clergy more than among any other established church in Europe. A public act of the General Assembly may be considered as a renunciation of that hostility to the full toleration of Catholics which was for a long time the disgrace of the most liberal Protestants. The party called "Orthodox" are purified from the intolerance which unhappily reigned among their predecessors, and have in general adopted those principles of religious liberty which the sincerely pious, when consistent with themselves, must be the foremost to maintain. Some of them also, even in these times, espouse those generous and sacred principles of civil liberty which distinguished the old Puritans, and which in spite of their faults entitle them to be ranked among the first benefactors of their country.*

* "The precious spark of liberty had been kindled and was preserved by the Puritans alone; and it was to this sect, whose principles appear so frivolous and habits so ridiculous, that the English owe the whole freedom of their constitution."—Hume, History of England, chap. xl. This testimony to the merits of the Puritans, from the mouth of their enemy, must be owned to be founded in exaggeration. But if we allow them to have materially contributed to the preservation of English liberty, we must acknowledge that the world owes more to the ancient Puritans than to any other sect or party among men.

ON THE

WRITINGS OF MACHIAVEL.*

LITERATURE, which lies much nearer to the feelings of mankind than science, has the most important effect on the sentiments with which the sciences are regarded, the activity with which they are pursued, and the mode in which they are cultivated. It is the instrument, in particular, by which ethical science is generally diffused. As the useful arts maintain the general honour of physical knowledge, so polite letters allure the world into the neighbourhood of the sciences of morals and of mind. Wherever the agreeable vehicle of literature does not convey their doctrines to the public, they remain as the occupation of a few recluses in the schools, with no root in the general feelings, and liable to be destroyed by the dispersion of a handful of doctors, and the destruction of their unlamented seminaries. Nor is this all:—polite literature is not only the true guardian of the moral sciences, and the sole instrument of spreading their benefits among men, but it becomes, from these very circumstances, the regulator of their cultivation and their progress. As long as they are confined to a small number of men in scholastic retirement, there is no restraint upon their natural proneness to degenerate either into verbal subtleties or shadowy dreams. As long as speculation remained in the schools, all its followers were divided

* From the Edinburgh Review, vol. xxvii. p. 207. — ED.

into mere dialecticians, or mystical visionaries, both alike unmindful of the real world, and disregarded by its inhabitants. The revival of literature produced a revolution at once in the state of society, and in the mode of philosophising. It attracted readers from the common ranks of society, who were gradually led on from eloquence and poetry, to morals and philosophy. Philosophers and moralists, after an interval of almost a thousand years, during which they had spoken only to each other, once more discovered that they might address the great body of mankind, with the hope of fame and of usefulness. Intercourse with this great public, supplied new materials, and imposed new restraints: the feelings, the common sense, the ordinary affairs of men, presented themselves again to the moralist; and philosophers were compelled to speak in terms intelligible and agreeable to their new hearers. Before this period, little prose had been written in any modern language, except chronicles or romances. Boccacio had indeed acquired a classical rank, by compositions of the latter kind; and historical genius had risen Froissart and Comines to a height which has not been equalled among the same nation in times of greater refinement. But Latin was still the language in which all subjects then deemed of higher dignity, and which occupied the life of the learned by profession, were treated. This system continued till the Reformation, which, by the employment of the living languages in public worship, gave them a dignity unknown before, and, by the versions of the Bible, and the practice of preaching and writing on theology and morals in the common tongues, did more for polishing modern literature, for diffusing knowledge, and for improving morality, than all the other events and discoveries of that active age.

Machiavel is the first still celebrated writer who discussed grave questions in a modern language. This peculiarity is the more worthy of notice, because he was not excited by the powerful stimulant of the

Reformation. That event was probably regarded by him as a disturbance in a barbarous country, produced by the novelties of a vulgar monk, unworthy of the notice of a man wholly occupied with the affairs of Florence, and the hope of expelling strangers from Italy; and having reached, at the appearance of Luther, the last unhappy period of his agitated life.

The Prince is an account of the means by which tyrannical power is to be acquired and preserved: it is a theory of that class of phenomena in the history of mankind. It is essential to its purpose, therefore, that it should contain an enumeration and exposition of tyrannical arts; and, on that account, it may be viewed and used as a manual of such arts. A philosophical treatise on poisons, would in like manner determine the quantity of each poisonous substance capable of producing death, the circumstances favourable or adverse to its operation, and every other information essential to the purpose of the poisoner, though not intended for his use. But it is also plain, that the calm statement of tyrannical arts is the bitterest of all satires against them. The Prince must therefore have had this double aspect, though neither of the objects which they seem to indicate had been actually in the contemplation of the author. It may not be the object of the chemist to teach the means of exhibiting antidotes, any more than those of administering poisons; but his readers may employ his discoveries for both objects. Aristotle* had long before given a similar theory of tyranny, without the suspicion of an immoral intention. Nor was it any novelty in more recent times, among those who must have been the first teachers of Machiavel. The Schoolmen followed the footsteps of Aristotle too closely, to omit so striking a passage; and Aquinas explains it, in his commentary, like the rest, in the unsuspecting simplicity of his heart. To us accordingly, we confess, the plan

* Politics, lib. v. c. iii.

of Machiavel seems, like those of former writers, to have been purely scientific; and so Lord Bacon seems to have understood him, where he thanks him for an exposition of immoral policy. In that singular passage, where the latter lays down the theory of the advancement of fortune (which, when compared with his life, so well illustrates the fitness of his understanding, and the unfitness of his character for the affairs of the world), he justifies his application of learning to such a subject, on a principle which extends to the Prince: —"that there be not any thing in being or action which should not be drawn and collected into contemplation and doctrine."

Great defects of character, we readily admit, are manifested by the writings of Machiavel; but if a man of so powerful a genius had shown a nature utterly depraved, it would have been a painful, and perhaps single, exception to the laws of human nature. And no depravity can be conceived greater than a deliberate intention to teach perfidy and cruelty. That a man who was a warm lover of his country, who bore cruel sufferings for her liberty, and who was beloved by the best of his countrymen*, should fall into such unparalleled wickedness, may be considered as wholly incredible. No such depravity is consistent with the composition of the History of Florence. It is only by exciting moral sentiment, that the narrative of human actions can be rendered interesting. Divested of morality, they lose their whole dignity, and all their power over feeling. History would be thrown aside as disgusting, if it did not inspire the reader with pity for the sufferer,—with

* Among other proofs of the esteem in which he was held by those who knew his character, we may refer to the affectionate letters of Guicciardini, who, however independent his own opinions were, became, by his employment under the Popes of the House of Medici, the supporter of their authority, and consequently a political opponent of Machiavel, the most zealous of the Republicans.

anger against the oppressor,—with anxiety for the triumph of right;—to say nothing of the admiration for genius, and valour, and energy, which, though it disturbs the justice of our historical judgments, partakes also of a moral nature. The author of The Prince, according to the common notion of its intention, could never have inspired these sentiments, of which he must have utterly emptied his own heart. To possess the power, however, of contemplating tyranny with scientific coldness, and of rendering it the mere subject of theory, must be owned to indicate a defect of moral sensibility. The happier nature, or fortune, of Aristotle, prompted him to manifest distinctly his detestation of the flagitious policy which he reduced to its principles.

As another subject of regret, not as an excuse for Machiavel, a distant approach to the same defect may be observed in Lord Bacon's History of Henry the Seventh; where we certainly find too little reprehension of falsehood and extortion, too cool a display of the expedients of cunning, sometimes dignified by the name of wisdom, and throughout, perhaps, too systematic a character given to the measures of that monarch, in order to exemplify, in him, a perfect model of king-craft; pursuing safety and power by any means,—acting well in quiet times, because it was most expedient, but never restrained from convenient crimes. This History would have been as delightful as it is admirable, if he had felt the difference between wisdom and cunning as warmly in that work, as he has discerned it clearly in his philosophy.

Many historical speculators have indeed incurred some part of this fault. Enamoured of their own solution of the seeming contradictions of a character, they become indulgent to the character itself; and, when they have explained its vices, are disposed, unconsciously, to write as if they had excused them. A writer who has made a successful exertion to render an intricate character intelligible, who has brought

his mind to so singular an attempt as a theory of villany, and has silenced his repugnance and indignation sufficiently for the purposes of rational examination, naturally exults in his victory over so many difficulties, delights in contemplating the creations of his own ingenuity, and the order which he seems to have introduced into the chaos of malignant passions, and may at length view his work with that complacency which diffuses clearness and calmness over the language in which he communicates his imagined discoveries.

It should also be remembered, that Machiavel lived in an age when the events of every day must have blunted his moral feelings, and wearied out his indignation. In so far as we acquit the intention of the writer, his work becomes a weightier evidence of the depravity which surrounded him. In this state of things, after the final disappointment of all his hopes, when Florence was subjected to tyrants, and Italy lay under the yoke of foreigners,—having undergone torture for the freedom of his country, and doomed to beggary in his old age, after a life of public service, it is not absolutely unnatural that he should have resolved to compose a theory of the tyranny under which he had fallen, and that he should have manifested his indignation against the cowardly slaves who had yielded to it, by a stern and cold description of its maxims.

His last chapter, in which he seems once more to breathe a free air, has a character totally different from all the preceding ones. His exhortation to the Medici to deliver Italy from foreigners, again speaks out his ancient feelings. Perhaps he might have thought it possible to pardon any means employed by an Italian usurper to expel the foreign masters of his country. This ray of hope might have supported him in delineating the means of usurpation; by doing which he might have had some faint expectation that he could entice the usurper to become a deliverer. Knowing that the native governments were too base

to defend Italy, and that all others were leagued to enslave her, he might, in his despair of all legitimate rulers, have hoped something for independence, and perhaps at last even for liberty, from the energy and genius of an illustrious tyrant.

From Petrarch, with some of whose pathetic verses Machiavel concludes, to Alfieri, the national feeling of Italy seems to have taken refuge in the minds of her writers. They write more tenderly of their country as it is more basely abandoned by their countrymen. Nowhere has so much been well said, or so little nobly done. While we blame the character of the nation, or lament the fortune which in some measure produced it, we must, in equity, excuse some irregularities in the indignation of men of genius, when they see the ingenious inhabitants of their beautiful and renowned country now apparently for ever robbed of that independence which is enjoyed by obscure and barbarous communities.

The dispute about the intention of The Prince has thrown into the shade the merit of the Discourses on Livy. The praise bestowed on them by Mr. Stewart* is scanty: that "they furnish lights to the school of Montesquieu" is surely inadequate commendation. They are the first attempts in a new science — the philosophy of history; and, as such, they form a brilliant point in the progress of reason. For this Lord Bacon commends him: — "the form of writing which is the fittest for this variable argument of negotiation, is that which Machiavel chose wisely and aptly for government, namely, discourse upon histories or examples: for, knowledge drawn freshly, and in our view, out of particulars, findeth its way best to particulars again; and it hath much greater life on practice when the discourse attendeth upon the example, than when the example attendeth upon the

* In the Dissertation prefixed to the Encyclopædia Britannica. — Ed.

discourse." It is observable, that the Florentine Secretary is the only modern writer who is named in that part of the Advancement of Learning which relates to civil knowledge. The apology of Albericus Gentilis for the morality of The Prince, has been often quoted, and is certainly weighty as a testimony, when we consider that the writer was born within twenty years of the death of Machiavel, and educated at no great distance from Florence. It is somewhat singular, that the context of this passage should never have been quoted:—"To the knowledge of history must be added that part of philosophy which treats of morals and politics; for this is the soul of history, which explains the causes of the actions and sayings of men, and of the events which befall them: and on this subject I am not afraid to name Nicholas Machiavel, as the most excellent of all writers, in his golden Observations on Livy. He is the writer whom I now seek, because he reads history not with the eyes of a grammarian, but with those of a philosopher." *

It is a just and refined observation of Mr. Hume, that the mere theory of Machiavel (to waive the more important consideration of morality) was perverted by the atrocities which, among the Italians, then passed under the name of "policy." The number of men who took a part in political measures in the republican governments of Italy, spread the taint of this pretended policy farther, and made it a more national quality than in the Transalpine monarchies. But neither the civil wars of France and England, nor the administrations of Henry the Seventh, Ferdinand and Louis the Eleventh (to say nothing of the succeeding religious wars), will allow us to consider it as peculiarly Italian. It arose from the circumstances of Europe in those times. In every age in which contests are long maintained by chiefs too strong, or bodies of men too numerous for the ordinary control

* De Legat. lib. iii. c. ix.

of law, for power, or privileges, or possessions, or opinions to which they are ardently attached, the passions excited by such interests, heated by sympathy, and inflamed to madness by resistance, soon throw off moral restraint in the treatment of enemies. Retaliation, which deters individuals, provokes multitudes to new cruelty; and the atrocities which originated in the rage of ambition and fanaticism, are at length thought necessary for safety. Each party adopts the cruelties of the enemy, as we now adopt a new discovery in the art of war. The craft and violence thought necessary for existence are admitted into the established policy of such deplorable times.

But though this be the tendency of such circumstances in all times, it must be owned that these evils prevail among different nations, and in different ages, in a very unequal degree. Some part of these differences may depend on national peculiarities, which cannot be satisfactorily explained: but, in the greater part of them, experience is striking and uniform. Civil wars are comparatively regular and humane, under circumstances that may be pretty exactly defined;—among nations long accustomed to popular government, to free speakers and to free writers; familiar with all the boldness and turbulence of numerous assemblies; not afraid of examining any matter human or divine; where great numbers take an interest in the conduct of their superiors of every sort, watch it, and often censure it; where there is a public, and where that public boldly utters decisive opinions; where no impassable lines of demarcation destine the lower classes to eternal servitude, and the higher to envy and hatred and deep curses from their inferiors; where the administration of law is so purified by the participation and eye of the public, as to become a grand school of humanity and justice; and where, as the consequence of all, there is a general diffusion of the comforts of life, a general cultivation of reason,

and a widely diffused feeling of equality and moral pride. The species seems to become gentler as all galling curbs are gradually disused. Quiet, or at least comparative order, is promoted by the absence of all the expedients once thought essential to preserve tranquillity. Compare Asia with Europe;—the extremes are there seen. But if all the intermediate degrees be examined, it will be found that civil wars are milder, in proportion to the progress of the body of the people in importance and well-being. Compare the civil wars of the two Roses with those under Charles the First: compare these, again, with the humanity and wisdom of the Revolution of sixteen hundred and eighty-eight. Examine the civil war which led to the American Revolution: we there see anarchy without confusion, and governments abolished and established without spilling a drop of blood. Even the progress of civilisation, when unattended by the blessings of civil liberty, produces many of the same effects. When Mr. Hume wrote the excellent observations quoted by Mr. Stewart, Europe had for more than a century been exempt from those general convulsions which try the moral character of nations, and ascertain their progress towards a more civilised state of mind. We have since been visited by one of the most tremendous of these tempests; and our minds are yet filled with the dreadful calamities, and the ambiguous and precarious benefits, which have sprung from it. The contemporaries of such terrific scenes are seldom in a temper to contemplate them calmly: and yet, though the events of this age have disappointed the expectations of sanguine benevolence concerning the state of civilisation in Europe, a dispassionate posterity will probably decide that it has stood the test of general commotions, and proved its progress by their comparative mildness. One period of frenzy has been, indeed, horribly distinguished, perhaps beyond any equal time in history, by popular massacres and judicial murders, among a people pecu-

liarly susceptible of a momentary fanaticism. This has been followed by a war in which one party contended for universal dominion, and all the rest of Europe struggled for existence. But how soon did the ancient laws of war between European adversaries resume the ascendant, which had indeed been suspended more in form than in fact! How slight are the traces which the atrocities of faction and the manners of twenty years' invasion and conquest have left on the sentiments of Europe! On a review of the disturbed period of the French Revolution, the mind is struck by the disappearance of classes of crimes which have often attended such convulsions; — no charge of poison; few assassinations, properly so called; no case hitherto authenticated of secret execution! If any crimes of this nature can be proved, the truth of history requires that the proof should be produced. But those who assert them without proof must be considered as calumniating their age, and bringing into question the humanising effects of order and good government.

REVIEW

OF

MR. GODWIN'S LIVES

OF

EDWARD AND JOHN PHILIPS,

&c. &c.*

THE public would have perhaps welcomed Mr. Godwin's reappearance as an author, most heartily, if he had chosen the part of a novelist. In that character his name is high, and his eminence undisputed. The time is long past since this would have been thought a slight, or even secondary, praise. No addition of more unquestionable value has been made by the moderns to the treasures of literature inherited from antiquity, than those fictions which paint the manners and character of the body of mankind, and affect the reader by the relation of misfortunes which may befall himself. The English nation would have more to lose than any other, by undervaluing this species of composition. Richardson has perhaps lost, though unjustly, a part of his popularity at home; but he still contributes to support the fame of his country abroad. The small blemishes of his diction are lost in translation; and the changes of English manners, and the occasional homeliness of some of his representations, are unfelt by foreigners. Fielding will for ever re-

* From the Edinburgh Review, vol. xxv. p. 485. — ED.

main the delight of his country, and will always retain his place in the libraries of Europe, notwithstanding the unfortunate grossness,—the mark of an uncultivated taste, — which if not yet entirely excluded from conversation, has been for some time banished from our writings, where, during the best age of our national genius, it prevailed more than in those of any other polished nation. It is impossible, in a Scottish journal, to omit Smollett, even if there had not been much better reasons for the mention of his name, than for the sake of observing, that he and Arbuthnot are sufficient to rescue Scotland from the imputation of wanting talent for pleasantry: though, it must be owned, we are a grave people, happily educated under an austere system of morals; possessing, perhaps, some humour, in our peculiar dialect, but fearful of taking the liberty of jesting in a foreign language like the English; prone to abstruse speculation, to vehement dispute, to eagerness in the pursuits of business and ambition, and to all those intent occupations of mind which rather indispose it to unbend in easy playfulness.

Since the beautiful tales of Goldsmith and Mackenzie, the composition of novels has been almost left to women; and, in the distribution of literary labour, nothing seems more natural, than that, as soon as the talents of women are sufficiently cultivated, this task should be assigned to the sex which has most leisure for the delicate observation of manners, and whose importance depends on the sentiments which most usually chequer common life with poetical incidents. They have performed their part with such signal success, that the literary works of women, instead of receiving the humiliating praise of being gazed at as wonders and prodigies, have, for the first time, composed a considerable part of the reputation of an ingenious nation in a lettered age. It ought to be added, that their delicacy, co-operating with the progress of refinement, has contributed to efface from these

important fictions the remains of barbarism which had disgraced the vigorous genius of our ancestors.

Mr. Godwin has preserved the place of men in this branch of literature. Caleb Williams is probably the finest novel produced by a man,—at least since the Vicar of Wakefield. The sentiments, if not the opinions, from which it arose were transient. Local usages and institutions were the subjects of its satire, exaggerated beyond the usual privilege of that species of writing. Yet it has been translated into most languages; and it has appeared in various forms, on the theatres, not only of England, but of France and Germany. There is scarcely a Continental circulating library in which it is not one of the books which most quickly require to be replaced. Though written with a temporary purpose, it will be read with intense interest, and with a painful impatience for the issue, long after the circumstances which produced its original composition shall cease to be known to all but to those who are well read in history. There is scarcely a fiction in any language which it is so difficult to lay by. A young person of understanding and sensibility, not familiar with the history of its origin, nor forewarned of its connexion with peculiar opinions, in whose hands it is now put for the first time, will peruse it with perhaps more ardent sympathy and trembling curiosity, than those who read it when their attention was divided, and their feelings disturbed by controversy and speculation. A building thrown up for a season, has become, by the skill of the builder, a durable edifice. It is a striking, but not a solitary example, of the purpose of the writer being swallowed up by the interest of the work,—of a man of ability intending to take part in the disputes of the moment, but led by the instinct of his talent to address himself to the permanent feelings of human nature. It must not, however, be denied, that the marks of temporary origin and peculiar opinion, are still the vulnerable part of the book. A fiction con-

trived to support an opinion is a vicious composition. Even a fiction contrived to enforce a maxim of conduct is not of the highest class. And though the vigorous powers of Mr. Godwin raised him above his own intention, still the marks of that intention ought to be effaced as marks of mortality; and nothing ought to remain in the book which will not always interest the reader. The passages which betray the metaphysician, more than the novelist, ought to be weeded out with more than ordinary care. The character of Falkland is a beautiful invention. That such a man could have become an assassin is, perhaps, an improbability; and if such a crime be possible for a soul so elevated, it may be due to the dignity of human nature to throw a veil over so humiliating a possibility, except when we are compelled to expose it by its real occurrence. In a merely literary view, however, the improbability of this leading incident is more than compensated, by all those agitating and terrible scenes of which it is the parent: and if the colours had been delicately shaded, if all the steps in the long progress from chivalrous sentiment to assassination had been more patiently traced, and more distinctly brought into view, more might have been lost by weakening the contrast, than would have been gained by softening or removing the improbability. The character of Tyrrel is a grosser exaggeration; and his conduct is such as neither our manners would produce, nor our laws tolerate. One or two monstrous examples of tyranny, nursed and armed by immense wealth, are no authority for fiction, which is a picture of general nature. The descriptive power of several parts of this novel is of the highest order. The landscape in the morning of Caleb's escape from prison, and a similar escape from a Spanish prison in St. Leon, are among the scenes of fiction which must the most frequently and vividly reappear in the imagination of a reader of sensibility. His disguises and escapes in London, though detailed at too great length, have a

frightful reality, perhaps nowhere paralleled in our language, unless it be in some paintings of Daniel De Foe *, with whom it is distinction enough to bear comparison. There are several somewhat similar scenes in the Colonel Jack of that admirable writer, which, among his novels, is indeed only the second; but which could be second to none but Robinson Crusoe, one of those very few books which are equally popular in every country of Europe, and which delight every reader, from the philosopher to the child. Caleb Williams resembles the novels of De Foe, in the austerity with which it rejects the agency of women and the power of love.

It would be affectation to pass over in silence so remarkable a work as the Inquiry into Political Justice; but it is not the time to say much of it. The season of controversy is past, and the period of history is not yet arrived. Whatever may be its mistakes, which we shall be the last to underrate, it is certain that works in which errors equally dangerous are maintained with far less ingenuity, have obtained for their authors a conspicuous place in the philosophical history of the eighteenth century. But books, as well as men, are subject to what is called "fortune." The same circumstances which favoured its sudden popularity, have since unduly depressed its reputation. Had it appeared in a metaphysical age, and in a period of tranquillity, it would have been discussed by philosophers, and might have excited acrimonious disputes; but these would have ended, after the correction of erroneous speculations, in assigning to the author that station to which his eminent talents had entitled him. It would soon have been acknowledged, that the author of one of the most deeply interesting

* A great-grandson of Daniel De Foe, of the same name, is now a creditable tradesman in Hungerford Market, London. His manners give a favourable impression of his sense and morals. He is neither unconscious of his ancestor's fame, nor ostentatious of it.

fictions of his age, and of a treatise on metaphysical morals which excited general alarm, whatever else he might be, must be a person of vigorous and versatile powers. But the circumstances of the times, in spite of the author's intention, transmuted a philosophical treatise into a political pamphlet. It seemed to be thrown up by the vortex of the French Revolution, and it sunk accordingly as that whirlpool subsided; while, by a perverse fortune, the honesty of the author's intentions contributed to the prejudice against his work. With the simplicity and good faith of a retired speculator, conscious of no object but the pursuit of truth, he followed his reasonings wherever they seemed to him to lead, without looking up to examine the array of sentiment and institution, as well as of interest and prejudice, which he was about to encounter. Intending no mischief, he considered no consequences; and, in the eye of the multitude, was transformed into an incendiary, only because he was an undesigning speculator. The ordinary clamour was excited against him: even the liberal sacrificed him to their character for liberality,—a fate not very uncommon for those who, in critical times, are supposed to go too far; and many of his own disciples, returning into the world, and, as usual, recoiling most violently from their visions, to the grossest worldly-mindedness, offered the fame of their master as an atonement for their own faults. For a time it required courage to brave the prejudice excited by his name. It may, even now perhaps, need some fortitude of a different kind to write, though in the most impartial temper, the small fragment of literary history which relates to it. The moment for doing full and exact justice will come.

All observation on the personal conduct of a writer, when that conduct is not of a public nature, is of dangerous example; and, when it leads to blame, is severely reprehensible. But it is but common justice to say, that there are few instances of more respectable

conduct among writers, than is apparent in the subsequent works of Mr. Godwin. He calmly corrected what appeared to him to be his own mistakes; and he proved the perfect disinterestedness of his corrections, by adhering to opinions as obnoxious to the powerful as those which he relinquished. Untempted by the success of his scholars in paying their court to the dispensers of favour, he adhered to the old and rational principles of liberty,—violently shaken as these venerable principles had been, by the tempest which had beaten down the neighbouring erections of anarchy. He continued to seek independence and reputation with that various success to which the fashions of literature subject professed writers; and to struggle with the difficulties incident to other modes of industry, for which his previous habits had not prepared him. He has thus, in our humble opinion, deserved the respect of all those, whatever may be their opinions, who still wish that some men in England may think for themselves, even at the risk of thinking wrong; but more especially of the friends of liberty, to whose cause he has courageously adhered.

The work before us, is a contribution to the literary history of the seventeenth century. It arose from that well-grounded reverence for the morality, as well as the genius, of Milton, which gives importance to every circumstance connected with him. After all that had been written about him, it appeared to Mr. Godwin, that there was still an unapproached point of view, from which Milton's character might be surveyed,—the history of those nephews to whom he had been a preceptor and a father. "It was accident," he tells us, "that first threw in my way two or three productions of these writers, that my literary acquaintance *, whom I consulted, had never heard of. Dr.

* This plural use of "acquaintance" is no doubt abundantly warranted by the example of Dryden, the highest authority in a case of diction of any single English writer: but as the usage is

Johnson had told me, that the pupils of Milton had given to the world 'only one genuine production.' Persons better informed than Dr. Johnson, could tell me perhaps of half a dozen. How great was my surprise, when I found my collection swelling to forty or fifty!" Chiefly from these publications, but from a considerable variety of little-known sources, he has collected, with singular industry, all the notices, generally incidental, concerning these two persons, which are scattered over the writings of their age.

Their lives are not only interesting as a fragment of the history of Milton, but curious as a specimen of the condition of professed authors in the seventeenth century. If they had been men of genius, or contemptible scribblers, they would not in either case have been fair specimens of their class. Dryden and Flecknoe are equally exceptions. The nephews of Milton belonged to that large body of literary men who are destined to minister to the general curiosity; to keep up the stock of public information; to compile, to abridge, to translate,—a body of importance in a great country, being necessary to maintain, though they cannot advance, its literature. The degree of good sense, good taste, and sound opinions diffused among this class of writers, is of no small moment to the public reason and morals; and we know not where we should find so exact a representation of the literary life of two authors, of the period between the Restoration and the Revolution, as in this volume. The complaint, that the details are too multiplied and minute for the importance of the subject, will be ungracious in an age distinguished by a passion for bibliography, and a voracious appetite for anecdote. It cannot be denied, that great acuteness is shown in assembling and weighing all the very minute circum-

divided, the convenience of distinguishing the plural from the singular at first sight seems to determine, that the preferable plural is "acquaintances."

stances, from which their history must often be rather conjectured than inferred. It may appear singular, that we, in this speculative part of the island, should consider the digressions from the biography, and the passages of general speculation, as the part of the work which might, with the greatest advantage, be retrenched: but they are certainly episodes too large for the action, and have sometimes the air of openings of chapters in an intended history of England. These two faults, of digressions too expanded, and details too minute, are the principal defects of the volume; which, however, must be considered hereafter as a necessary part of all collections respecting the biography of Milton.

Edward and John Philips were the sons of Edward Philips of Shrewsbury, Secondary of the Crown Office in the Court of Chancery, by Anne, sister of John Milton. Edward was born in London in 1630, and John in 1631. To this sister the first original English verses of Milton were addressed,—which he composed before the age of seventeen,—to soothe her sorrow for the loss of an infant son. His first published verses were the Epitaph on Shakspeare. To perform the offices of domestic tenderness, and to render due honour to kindred genius, were the noble purposes by which he consecrated his poetical power at the opening of a life, every moment of which corresponded to this early promise. On his return from his travels, he found his nephews, by the death of their father, become orphans. He took them into his house, supporting and educating them; which he was enabled to do by the recompense which he received for the instruction of other pupils. And for this act of respectable industry, and generous affection, in thus remembering the humblest claims of prudence and kindness amidst the lofty ambition and sublime contemplations of his mature powers, he has been sneered at by a moralist, in a work which, being a system of our poetical biography, ought especially to have re-

commended this most moral example to the imitation of British youth.

John published very early a vindication of his uncle's Defence of the People of England. Both brothers, in a very few years, weary of the austere morals of the Republicans, quitted the party of Milton, and adopted the politics, with the wit and festivity, of the young Cavaliers: but the elder, a person of gentle disposition and amiable manners, more a man of letters than a politician, retained at least due reverence and gratitude for his benefactor, and is conjectured by Mr. Godwin, upon grounds that do not seem improbable, to have contributed to save his uncle at the Restoration. Twenty years after the death of Milton, the first Life of him was published by Edward Philips; upon which all succeeding narratives have been built. This Theatrum Poetarum will be always read with interest, as containing the opinions concerning poetry and poets, which he probably imbibed from Milton. This amiable writer died between 1694 and 1698.

John Philips, a coarse buffoon, and a vulgar debauchee, was, throughout life, chiefly a political pamphleteer, who turned with every change of fortune and breath of popular clamour, but on all sides preserved a consistency in violence, scurrility, and servility to his masters, whether they were the favourites of the Court, or the leaders of the rabble. Having cried out for the blood of his former friends at the Restoration, he insulted the memory of Milton, within two years of his death. He adhered to the cause of Charles II. till it became unpopular; and disgraced the then new name of Whig by associating with the atrocious Titus Oates. In his vindication of that execrable wretch, he adopts the maxim, "that the attestations of a hundred Catholics cannot be put in balance with the oath of one Protestant;"—which, if "our own party" were substituted for "Protestant," and "the opposite one" for "Catholic," may be regarded

as the general principle of the jurisprudence of most triumphant factions. He was silenced, or driven to literary compilation, by those fatal events in 1683, which seemed to be the final triumph of the Court over public liberty. His servile voice, however, hailed the accession of James II. The Revolution produced a new turn of this weathercock; but happily for the kingdom, no second Restoration gave occasion to another display of his inconstancy. In 1681 he had been the associate of Oates, and the tool of Shaftesbury: in 1685 he thus addresses James II. in doggerel scurrility:

> "Must the Faith's true Defender bleed to death,
> A sacrifice to Cooper's wrath?"

In 1695 he took a part in that vast mass of bad verse occasioned by the death of Queen Mary; and in 1697 he celebrated King William as Augustus Britannicus, in a poem on the Peace of Ryswick. From the Revolution to his death, about 1704, he was usefully employed as editor of the Monthly Mercury, a journal which was wholly, or principally, a translation from Le Mercure Historique, published at the Hague, by some of those ingenious and excellent Protestant refugees, whose writings contributed to excite all Europe against Louis XIV. Mr. Godwin at last, very naturally, relents a little towards him: he is unwilling to part on bad terms with one who has been so long a companion. All, however, that indulgent ingenuity can discover in his favour is, that he was an indefatigable writer; and that, during his last years, he rested, after so many vibrations, in the opinions of a constitutional Whig. But, in a man like John Philips, the latter circumstance is only one of the signs of the times, and proves no more than that the principles of English liberty were patronised by a government which owed to these principles its existence.

The above is a very slight sketch of the lives of

these two persons, which Mr. Godwin, with equal patience and acuteness of research, has gleaned from publications, of which it required a much more than ordinary familiarity with the literature of the last century, even to know the existence. It is somewhat singular, that no inquiries seem to have been made respecting the history of the descendants of Milton's brother, Sir Christopher; and that it has not been ascertained whether either of his nephews left children. Thomas Milton, the son of Sir Christopher, was, it seems, Secondary of the Crown Office in Chancery; and it could not be very difficult for a resident in London to ascertain the period of his death, and perhaps to discover his residence and the state of his family.

Milton's direct descendants can only exist, if they exist at all, among the posterity of his youngest and favourite daughter Deborah, afterwards Mrs. Clarke, a woman of cultivated understanding, and not unpleasing manners, who was known to Richardson and Professor Ward, and was patronised by Addison.* Her affecting exclamation is well known, on seeing her father's portrait for the first time more than thirty years after his death: — "Oh my father, my dear father!" "She spoke of him," says Richardson, "with great tenderness; she said he was delightful company, the life of the conversation, not only by a flow of subject, but by unaffected cheerfulness and civility." This is the character of one whom Dr. Johnson represents as a morose tyrant, drawn by a supposed victim of his domestic oppression. Her daughter, Mrs. Foster, for whose benefit Dr. Newton and Dr. Birch procured Comus to be acted, survived all her children. The only child of Deborah Milton, of whom we have any accounts besides Mrs. Foster, was Caleb Clarke, who went to Madras in the first

* Who intended to have procured a permanent provision for her. She was presented with fifty guineas by Queen Caroline.

years of the eighteenth century, and who then vanishes from the view of the biographers of Milton. We have been enabled, by accident, to enlarge a very little this appendage to his history. It appears from an examination of the parish register of Fort St. George, that Caleb Clarke, who seems to have been parish-clerk of that place from 1717 to 1719, was buried there on the 26th of October of the latter year. By his wife Mary, whose original surname does not appear, he had three children born at Madras; — Abraham, baptized on the 2d of June, 1703; Mary, baptized on the 17th of March, 1706, and buried on December 15th of the same year; and Isaac, baptized 13th of February, 1711. Of Isaac no farther account appears. Abraham, the great-grandson of Milton, in September, 1725, married Anna Clarke; and the baptism of their daughter Mary is registered on the 2d of April, 1727. With this all notices of this family cease. But as neither Abraham, nor any of his family, nor his brother Isaac, died at Madras, and as he was only twenty-four years of age at the baptism of his daughter, it is probable that the family migrated to some other part of India, and that some trace of them might yet be discovered by examination of the parish registers of Calcutta and Bombay. If they had returned to England, they could not have escaped the curiosity of the admirers and historians of Milton. We cannot apologise for the minuteness of this genealogy, or for the eagerness of our desire that it should be enlarged. We profess that superstitious veneration for the memory of the greatest of poets, which would regard the slightest relic of him as sacred; and we cannot conceive either true poetical sensibility, or a just sense of the glory of England, to belong to that Englishman, who would not feel the strongest emotions at the sight of a descendant of Milton, discovered in the person even of the most humble and unlettered of human beings.

While the grandson of Milton resided at Madras, in a condition so humble as to make the office of parish-clerk an object of ambition, it is somewhat remarkable that the elder brother of Addison should have been the Governor of that settlement. The honourable Galston Addison died there in the year 1709. Thomas Pitt, grandfather to Lord Chatham, had been his immediate predecessor in the government.

It was in the same year that Mr. Addison began those contributions to periodical essays, which, as long as any sensibility to the beauties of English style remains, must be considered as its purest and most perfect models. But it was not until eighteen months afterwards, — when, influenced by fidelity to his friends, and attachment to the cause of liberty, he had retired from office, and when, with his usual judgment, he resolved to resume the more active cultivation of literature, as the elegant employment of his leisure, — that he undertook the series of essays on Paradise Lost; — not, as has been weakly supposed, with the presumptuous hope of exalting Milton, but with the more reasonable intention of cultivating the public taste, and instructing the nation in the principles of just criticism, by observations on a work already acknowledged to be the first of English poems. If any doubt could be entertained respecting the purpose of this excellent writer, it must be silenced by the language in which he announces his criticism: — "As the first place among our English poets is due to Milton," says he, "I shall enter into a regular criticism upon his Paradise Lost," &c. It is clear that he takes for granted the paramount greatness of Milton; and that his object was not to disinter a poet who had been buried in unjust oblivion, but to illustrate the rules of criticism by observations on the writings of him whom all his readers revered as the greatest poet of their country. This passage might have been added by Mr. Godwin to the numerous

proofs by which he has demonstrated the ignorance and negligence, if not the malice, of those who would persuade us that the English nation could have suspended their admiration of a poem, — the glory of their country and the boast of human genius, — till they were taught its excellences by critics, and enabled by political revolutions to indulge their feelings with safety. It was indeed worthy of Lord Somers to have been one of its earliest admirers; and to his influence and conversation it is not improbable that we owe, though indirectly, the Essays of Addison. The latter's criticism manifests and inspires a more genuine sense of poetical beauty than others of more ambitious pretensions, and now of greater name. But it must not be forgotten that Milton had subdued the adverse prejudices of Dryden and Atterbury, long before he had extorted from a more acrimonious hostility, that unwilling but noble tribute of justice to the poet, for which Dr. Johnson seems to have made satisfaction to his hatred by a virulent libel on the man.*

It is an excellence of Mr. Godwin's narrative, that he thinks and feels about the men and events of the age of Milton, in some measure as Milton himself felt and thought. Exact conformity of sentiment is neither possible nor desirable: but a Life of Milton,

* The strange misrepresentations, long prevalent among ourselves respecting the slow progress of Milton's reputation, sanctioned as they were both by Johnson and by Thomas Warton, have produced ridiculous effects abroad. On the 16th of November, 1814, a Parisian poet named Campenon was, in the present unhappy state of French literature, received at the Academy as the successor of the Abbé Delille. In his Discours de Réception, he speaks of the Abbé's translation "de ce Paradis Perdu, dont l'Angleterre est si fière depuis qu'elle a cessé d'en ignorer le mérite." The president M. Regnault de St. Jean d'Angely said that M. Delille repaid our hospitality by translating Milton, — "en doublant ainsi la célébrité du Poëte; dont le génie a inspiré à l'Angleterre un si tardif mais si légitime orgueil."

written by a zealous opponent of his principles, in the relation of events which so much exasperate the passions, almost inevitably degenerates into a libel. The constant hostility of a biographer to the subject of his narrative, whether it be just or not, is teasing and vexatious: the natural frailty of over-partiality is a thousand times more agreeable.

REVIEW

OF

ROGERS' POEMS.

It seems very doubtful, whether the progress and the vicissitudes of the elegant arts can be referred to the operation of general laws, with the same plausibility as the exertions of the more robust faculties of the human mind, in the severer forms of science and of useful art. The action of fancy and of taste seems to be affected by causes too various and minute to be enumerated with sufficient completeness for the purposes of philosophical theory. To explain them, may appear to be as hopeless an attempt, as to account for one summer being more warm and genial than another. The difficulty would be insurmountable, even in framing the most general outline of a theory, if the various forms assumed by imagination, in the fine arts, did not depend on some of the most conspicuous, as well as powerful agents in the moral world. But these arise from revolutions of popular sentiments, and are connected with the opinions of the age, and with the manners of the refined class, as certainly, though not in so great a degree, as with the passions of the multitude. The comedy of a polished monarchy never can be of the same character with that of a bold and tumultuous democracy. Changes of religion and of government, civil or foreign wars, conquests which derive splendour from distance, or extent, or difficulty,

long tranquillity,—all these, and indeed every conceivable modification of the state of a community, show themselves in the tone of its poetry, and leave long and deep traces on every part of its literature. Geometry is the same, not only at London and Paris, but in the extremes of Athens and Samarcand: but the state of the general feeling in England, at this moment, requires a different poetry from that which delighted our ancestors in the time of Luther or Alfred.

During the greater part of the eighteenth century, the connection of the character of English poetry with the state of the country, was very easily traced. The period which extended from the English to the French Revolution, was the golden age of authentic history. Governments were secure, nations tranquil, improvements rapid, manners mild beyond the example of any former age. The English nation which possessed the greatest of all human blessings,—a wisely constructed popular government, necessarily enjoyed the largest share of every other benefit. The tranquillity of that fortunate period was not disturbed by any of those calamitous, or even extraordinary events, which excite the imagination and inflame the passions. No age was more exempt from the prevalence of any species of popular enthusiasm. Poetry, in this state of things, partook of that calm, argumentative, moral, and directly useful character into which it naturally subsides, when there are no events to call up the higher passions,—when every talent is allured into the immediate service of a prosperous and improving society,—and when wit, taste, diffused literature, and fastidious criticism, combine to deter the young writer from the more arduous enterprises of poetical genius. In such an age, every art becomes rational. Reason is the power which presides in a calm. But reason guides, rather than impels; and, though it must regulate every exertion of genius, it never can rouse it to vigorous action.

The school of Dryden and Pope, which prevailed

till a very late period of the last century, is neither the most poetical nor the most national part of our literary annals. These great poets sometimes indeed ventured into the regions of pure poetry: but their general character is, that "not in fancy's maze they wandered long;" and that they rather approached the elegant correctness of our Continental neighbours, than supported the daring flight, which, in the former age, had borne English poetry to a sublimer elevation than that of any other modern people of the West.

Towards the middle of the century, great, though quiet changes, began to manifest themselves in the republic of letters in every European nation which retained any portion of mental activity. About that time, the exclusive authority of our great rhyming poets began to be weakened; while new tastes and fashions began to show themselves in the political world. A school of poetry must have prevailed long enough, to be probably on the verge of downfal, before its practice is embodied in a correspondent system of criticism.

Johnson was the critic of our second poetical school. As far as his prejudices of a political or religious kind did not disqualify him for all criticism, he was admirably fitted by nature to be the critic of this species of poetry. Without more imagination, sensibility, or delicacy than it required,—not always with perhaps quite enough for its higher parts,—he possessed sagacity, shrewdness, experience, knowledge of mankind, a taste for rational and orderly compositions, and a disposition to accept, instead of poetry, that lofty and vigorous declamation in harmonious verse, of which he himself was capable, and to which his great master sometimes descended. His spontaneous admiration scarcely soared above Dryden. "Merit of a loftier class he rather saw than felt." Shakspeare has transcendent excellence of every sort, and for every critic, except those who are repelled by the faults which usually attend sublime virtues,—cha-

racter and manners, morality and prudence, as well as imagery and passion. Johnson did indeed perform a vigorous act of reluctant justice towards Milton; but it was a proof, to use his own words, that

> "At length our mighty Bard's victorious lays
> Fill the loud voice of universal praise;
> And baffled Spite, with hopeless anguish dumb,
> Yields to renown the centuries to come!" *

The deformities of the Life of Gray ought not to be ascribed to jealousy,—for Johnson's mind, though coarse, was not mean,—but to the prejudices of his university, his political faction, and his poetical sect: and this last bigotry is the more remarkable, because it is exerted against the most skilful and tasteful of innovators, who, in reviving more poetical subjects and a more splendid diction, has employed more care and finish than those who aimed only at correctness.

The interval which elapsed between the death of Goldsmith and the rise of Cowper, is perhaps more barren than any other twelve years in the history of our poetry since the accession of Elizabeth. It seemed as if the fertile soil was at length exhausted. But it had in fact only ceased to exhibit its accustomed produce. The established poetry had worn out either its own resources, or the constancy of its readers. Former attempts to introduce novelty had been either too weak or too early. Neither the beautiful fancy of Collins, nor the learned and ingenious industry of Warton, nor even the union of sublime genius with consummate art in Gray, had produced a general change in poetical composition. But the fulness of time was approaching; and a revolution has been accomplished, of which the commencement nearly coincides—not, as we conceive, accidentally,—with that of the political revolution which has changed the character as well as the condition of Europe. It has been a thousand times observed, that nations become

* Prologue to Comus.—Ed.

weary even of excellence, and seek a new way of writing, though it should be a worse. But besides the operation of satiety — the general cause of literary revolutions — several particular circumstances seem to have affected the late changes of our poetical taste; of which, two are more conspicuous than the rest.

In the natural progress of society, the songs which are the effusion of the feelings of a rude tribe, are gradually polished into a form of poetry still retaining the marks of the national opinions, sentiments, and manners, from which it originally sprung. The plants are improved by cultivation; but they are still the native produce of the soil. The only perfect example which we know, of this sort, is Greece. Knowledge and useful art, and perhaps in a great measure religion, the Greeks received from the East: but as they studied no foreign language, it was impossible that any foreign literature should influence the progress of theirs. Not even the name of a Persian, Assyrian, Phenician, or Egyptian poet is alluded to by any Greek writer: the Greek poetry was, therefore, wholly national. The Pelasgic ballads were insensibly formed into Epic, and Tragic, and Lyric poems: but the heroes, the opinions, and the customs, continued as exclusively Grecian, as they had been when the Hellenic minstrels knew little beyond the Adriatic and the Ægean. The literature of Rome was a copy from that of Greece. When the classical studies revived amid the chivalrous manners and feudal institutions of Gothic Europe, the imitation of ancient poets struggled against the power of modern sentiments with various event, in different times and countries, — but every where in such a manner, as to give somewhat of an artificial and exotic character to poetry. Jupiter and the Muses appeared in the poems of Christian nations. The feelings and principles of democracies were copied by the gentlemen of Teutonic monarchies or aristocracies. The sentiments of the poet in his verse, were not those which actuated him

in his conduct. The forms and rules of composition were borrowed from antiquity, instead of spontaneously arising from the manner of thinking of modern communities. In Italy, when letters first revived, the chivalrous principle was too near the period of its full vigour, to be oppressed by this foreign learning. Ancient ornaments were borrowed; but the romantic form was prevalent: and where the forms were classical, the spirit continued to be romantic. The structure of Tasso's poem was that of the Grecian epic; but his heroes were Christian knights. French poetry having been somewhat unaccountably late in its rise, and slow in its progress, reached its most brilliant period, when all Europe had considerably lost its ancient characteristic principles, and was fully imbued with classical ideas. Hence it acquired faultless elegance:—hence also it became less natural,—more timid and more imitative,—more like a feeble translation of Roman poetry. The first age of English poetry, in the reign of Elizabeth, displayed a combination,—fantastic enough,—of chivalrous fancy and feeling with classical pedantry; but, upon the whole, its native genius was unsubdued. The poems of that age, with all their faults, and partly perhaps from their faults, are the most national part of our poetry, as they undoubtedly contain its highest beauties. From the accession of James, to the Civil War, the glory of Shakspeare turned the whole national genius to the drama; and, after the Restoration, a new and classical school arose, under whom our old and peculiar literature was abandoned, and almost forgotten. But all important tastes in literature must be in some measure superficial. The poetry which once grew in the bosoms of a people, is always capable of being revived by a skilful hand. When the brilliant and poignant lines of Pope began to pall on the public ear, it was natural that we should revert to the cultivation of our indigenous poetry.

Nor was this the sole, or perhaps the chief agent

which was working a poetical change. As the condition and character of the former age had produced an argumentative, didactic, sententious, prudential, and satirical poetry; so the approaches to a new order (or rather at first disorder) in political society, were attended by correspondent movements in the poetical world. Bolder speculations began to prevail. A combination of the science and art of the tranquil period, with the hardy enterprises of that which succeeded, gave rise to scientific poems, in which a bold attempt was made, by the mere force of diction, to give a poetical interest and elevation to the coldest parts of knowledge, and to those arts which have been hitherto considered as the meanest. Having been forced above their natural place by the wonder at first elicited, they have not yet recovered from the subsequent depression. Nor will a similar attempt be successful, without a more temperate use of power over style, till the diffusion of physical knowledge renders it familiar to the popular imagination, and till the prodigies worked by the mechanical arts shall have bestowed on them a character of grandeur.

As the agitation of men's minds approached the period of an explosion, its effects on literature became more visible. The desire of strong emotion succeeded to the solicitude to avoid disgust. Fictions, both dramatic and narrative, were formed according to the school of Rousseau and Goethe. The mixture of comic and tragic pictures once more displayed itself, as in the ancient and national drama. The sublime and energetic feelings of devotion began to be more frequently associated with poetry. The tendency of political speculation concurred in directing the mind of the poet to the intense and undisguised passions of the uneducated; which fastidious politeness had excluded from the subjects of poetical imitation. The history of nations unlike ourselves, the fantastic mythology and ferocious superstition of distant times and countries, or the legends of our own antique faith, and

the romances of our fabulous and heroic ages, became favourite themes of poetry. Traces of a higher order of feeling appeared in the contemplations in which the poet indulged, and in the events and scenes which he delighted to describe. The fire with which a chivalrous tale was told, made the reader inattentive to negligences in the story or the style. Poetry became more devout, more contemplative, more mystical, more visionary,—more alien from the taste of those whose poetry is only a polished prosaic verse,—more full of antique superstition, and more prone to daring innovation,—painting both coarser realities and purer imaginations, than she had before hazarded,—sometimes buried in the profound quiet required by the dreams of fancy,—sometimes turbulent and martial,—seeking "fierce wars and faithful loves" in those times long past, when the frequency of the most dreadful dangers produced heroic energy and the ardour of faithful affection.

Even the direction given to the traveller by the accidents of war has not been without its influence. Greece, the mother of freedom and of poetry in the West, which had long employed only the antiquary, the artist, and the philologist, was at length destined, after an interval of many silent and inglorious ages, to awaken the genius of a poet. Full of enthusiasm for those perfect forms of heroism and liberty, which his imagination had placed in the recesses of antiquity, he gave vent to his impatience of the imperfections of living men and real institutions, in an original strain of sublime satire, which clothes moral anger in imagery of an almost horrible grandeur; and which, though it cannot coincide with the estimate of reason, yet could only flow from that worship of perfection, which is the soul of all true poetry.

The tendency of poetry to become national, was in more than one case remarkable. While the Scottish middle age inspired the most popular poet perhaps of the eighteenth century, the national genius of Ireland

at length found a poetical representative, whose exquisite ear, and flexible fancy, wantoned in all the varieties of poetical luxury, from the levities to the fondness of love, from polished pleasantry to ardent passion, and from the social joys of private life to a tender and mournful patriotism, taught by the melancholy fortunes of an illustrious country,—with a range adapted to every nerve in the composition of a people susceptible of all feelings which have the colour of generosity, and more exempt probably than any other from degrading and unpoetical vices.

The failure of innumerable adventurers is inevitable, in literary, as well as in political, revolutions. The inventor seldom perfects his invention. The uncouthness of the novelty, the clumsiness with which it is managed by an unpractised hand, and the dogmatical contempt of criticism natural to the pride and enthusiasm of the innovator, combine to expose him to ridicule, and generally terminate in his being admired (though warmly) by a few of his contemporaries, —remembered only occasionally in after times,—and supplanted in general estimation by more cautious and skilful imitators. With the very reverse of unfriendly feelings, we observe that erroneous theories respecting poetical diction,—exclusive and proscriptive notions in criticism, which in adding new provinces to poetry would deprive her of ancient dominions and lawful instruments of rule,—and a neglect of that extreme regard to general sympathy, and even accidental prejudice, which is necessary to guard poetical novelties against their natural enemy the satirist,—have powerfully counteracted an attempt, equally moral and philosophical, made by a writer of undisputed poetical genius, to enlarge the territories of art, by unfolding the poetical interest which lies latent in the common acts of the humblest men, and in the most ordinary modes of feeling, as well as in the most familiar scenes of nature.

The various opinions which may naturally be

formed of the merit of individual writers, form no necessary part of our consideration. We consider the present as one of the most flourishing periods of English poetry: but those who condemn all contemporary poets, need not on that account dissent from our speculations. It is sufficient to have proved the reality, and in part perhaps to have explained the origin, of a literary revolution. At no time does the success of writers bear so uncertain a proportion to their genius, as when the rules of judging and the habits of feeling are unsettled.

It is not uninteresting, even as a matter of speculation, to observe the fortune of a poem which, like the Pleasures of Memory, appeared at the commencement of this literary revolution, without paying court to the revolutionary tastes, or seeking distinction by resistance to them. It borrowed no aid either from prejudice or innovation. It neither copied the fashion of the age which was passing away, nor offered any homage to the rising novelties. It resembles, only in measure, the poems of the eighteenth century, which were written in heroic rhyme. Neither the brilliant sententiousness of Pope, nor the frequent languor and negligence perhaps inseparable from the exquisite nature of Goldsmith, could be traced in a poem, from which taste and labour equally banished mannerism and inequality. It was patronised by no sect or faction. It was neither imposed on the public by any literary cabal, nor forced into notice by the noisy anger of conspicuous enemies. Yet, destitute as it was of every foreign help, it acquired a popularity originally very great; and which has not only continued amidst extraordinary fluctuation of general taste, but has increased amid a succession of formidable competitors. No production, so popular, was probably ever so little censured by criticism: and thus is combined the applause of contemporaries with the suffrage of the representatives of posterity.

It is needless to make extracts from a poem which

is familiar to every reader. In selection, indeed, no two readers would probably agree: but the description of the Gipsies,—of the Boy quitting his Father's house,—and of the Savoyard recalling the mountainous scenery of his country,—and the descriptive commencement of the tale in Cumberland, have remained most deeply impressed on our minds. We should be disposed to quote the following verses, as not surpassed, in pure and chaste elegance, by any English lines:—

"When Joy's bright sun has shed his evening ray,
And Hope's delusive meteors cease to play;
When clouds on clouds the smiling prospect close,
Still through the gloom thy star serenely glows:
Like yon fair orb she gilds the brow of Night
With the mild magic of reflected light."

The conclusion of the fine passage on the Veterans at Greenwich and Chelsea, has a pensive dignity which beautifully corresponds with the scene:—

"Long have ye known Reflection's genial ray
Gild the calm close of Valour's various day."

And we cannot resist the pleasure of quoting the moral, tender, and elegant lines which close the Poem:—

"Lighter than air, Hope's summer-visions fly,
If but a fleeting cloud obscure the sky;
If but a beam of sober Reason play,
Lo, Fancy's fairy frost-work melts away!
But can the wiles of Art, the grasp of Power,
Snatch the rich relics of a well-spent hour?
These, when the trembling spirit wings her flight,
Pour round her path a stream of living light;
And gild those pure and perfect realms of rest,
Where Virtue triumphs, and her sons are blest!"

The descriptive passages require indeed a closer inspection, and a more exercised eye, than those of some celebrated contemporaries who sacrifice elegance to effect, and whose figures stand out in bold relief, from the general roughness of their more unfinished com-

positions: and in the moral parts, there is often discoverable a Virgilian art, which suggests, rather than displays, the various and contrasted scenes of human life, and adds to the power of language by a certain air of reflection and modesty, in the preference of measured terms to those of more apparent energy.

In the View from the House *, the scene is neither delightful from very superior beauty, nor striking by singularity, nor powerful from reminding us of terrible passions or memorable deeds. It consists of the more ordinary of the beautiful features of nature, neither exaggerated nor represented with curious minuteness, but exhibited with picturesque elegance, in connexion with those tranquil emotions which they call up in the calm order of a virtuous mind, in every condition of society and of life. The verses on the Torso, are in a more severe style. The Fragment of a divine artist, which awakened the genius of Michael Angelo, seems to disdain ornament. It would be difficult to name two small poems, by the same writer, in which he has attained such high degrees of kinds of excellence so dissimilar, as are seen in the Sick Chamber and the Butterfly. The first has a truth of detail, which, considered merely as painting, is admirable; but assumes a higher character, when it is felt to be that minute remembrance, with which affection recollects every circumstance that could have affected a beloved sufferer. Though the morality which concludes the second, be in itself very beautiful, it may be doubted whether the verses would not have left a more unmixed delight, if the address had remained as a mere sport of fancy, without the seriousness of an object, or an application. The verses written in Westminster Abbey are surrounded by dangerous recollections: they aspire to commemorate Fox, and to copy some of the grandest thoughts in the most sublime work of Bossuet. Nothing can satisfy the ex-

* In the Epistle to a Friend. — Ed.

pectation awakened by such names: yet we are assured that there are some of them which would be envied by the best writers of this age. The scenery of Loch Long is among the grandest in Scotland; and the description of it shows the power of feeling and painting. In this island, the taste for nature has grown with the progress of refinement. It is most alive in those who are most brilliantly distinguished in social and active life. It elevates the mind above the meanness which it might contract in the rivalship for praise; and preserves those habits of reflection and sensibility, which receive so many rude shocks in the coarse contests of the world. Not many summer hours can be passed in the most mountainous solitudes of Scotland, without meeting some who are worthy to be remembered with the sublime objects of nature, which they had travelled so far to admire.

The most conspicuous of the novelties of this volume is the poem or poems, entitled "Fragments of the Voyage of Columbus." The subject of this poem is, politically or philosophically considered, among the most important in the annals of mankind. The introduction of Christianity (humanly viewed), the irruption of the Northern barbarians, the contest between the Christian and Mussulman nations in Syria, the two inventions of gunpowder and printing, the emancipation of the human understanding by the Reformation, the discovery of America, and of a maritime passage to Asia in the last ten years of the fifteenth century, are the events which have produced the greatest and most durable effects, since the establishment of civilisation, and the consequent commencement of authentic history. But the poetical capabilities of an event bear no proportion to historical importance. None of the consequences that do not strike the senses or the fancy can interest the poet. The greatest of the transactions above enumerated is obviously incapable of entering into poetry. The crusades were not without permanent effects on the

state of men: but their poetical interest does not arise from these effects; and it immeasurably surpasses them.

Whether the voyage of Columbus be destined to be for ever incapable of becoming the subject of an epic poem, is a question which we have scarcely the means of answering. The success of great writers has often so little corresponded with the promise of their subject, that we might be almost tempted to think the choice of a subject indifferent. The story of Hamlet, or of Paradise Lost, would beforehand have been pronounced to be unmanageable. Perhaps the genius of Shakspeare and of Milton has rather compensated for the incorrigible defects of ungrateful subjects, than conquered them. The course of ages may produce the poetical genius, the historical materials and the national feelings, for an American epic poem. There is yet but one state in America, and that state is hardly become a nation. At some future period, when every part of the continent has been the scene of memorable events, when the discovery and conquest have receded into that legendary dimness which allows fancy to mould them at her pleasure, the early history of America may afford scope for the genius of a thousand national poets; and while some may soften the cruelty which darkens the daring energy of Cortez and Pizarro,—while others may, in perhaps new forms of poetry, ennoble the pacific conquests of Penn,—and while the genius, the exploits, and the fate of Raleigh, may render his establishments probably the most alluring of American subjects, every inhabitant of the new world will turn his eyes with filial reverence towards Columbus, and regard, with equal enthusiasm, the voyage which laid the foundation of so many states, and peopled a continent with civilised men. Most epic subjects, but especially such a subject as Columbus, require either the fire of an actor in the scene, or the religious reverence of a very distant posterity. Homer, as well as Erçilla and Camoens,

show what may be done by an epic poet who himself feels the passions of his heroes. It must not be denied that Virgil has borrowed a colour of refinement from the court of Augustus, in painting the age of Priam and of Dido. Evander is a solitary and exquisite model of primitive manners, divested of grossness, without losing their simplicity. But to an European poet, in this age of the world, the Voyage of Columbus is too naked and too exactly defined by history. It has no variety,—scarcely any succession of events. It consists of one scene, during which two or three simple passions continue in a state of the highest excitement. It is a voyage with intense anxiety in every bosom, controlled by magnanimous fortitude in the leader, and producing among his followers a fear, —sometimes submissive, sometimes mutinous, always ignoble. It admits no variety of character,—no unexpected revolutions. And even the issue, though of unspeakable importance, and admirably adapted to some kinds of poetry, is not an event of such outward dignity and splendour as ought naturally to close the active and brilliant course of an epic poem.

It is natural that the Fragments should give a specimen of the marvellous as well as of the other constituents of epic fiction. We may observe, that it is neither the intention nor the tendency of poetical machinery to supersede secondary causes, to fetter the will, and to make human creatures appear as the mere instruments of destiny. It is introduced to satisfy that insatiable demand for a nature more exalted than that which we know by experience, which creates all poetry, and which is most active in its highest species, and in its most perfect productions. It is not to account for thoughts and feelings, that superhuman agents are brought down upon earth: it is rather for the contrary purpose, of lifting them into a mysterious dignity beyond the cognisance of reason. There is a material difference between the acts which superior beings perform, and the sentiments which they inspire.

It is true, that when a god fights against men, there can be no uncertainty or anxiety, and consequently no interest about the event, — unless indeed in the rude theology of Homer, where Minerva may animate the Greeks, while Mars excites the Trojans: but it is quite otherwise with these divine persons inspiring passion, or represented as agents in the great phenomena of nature. Venus and Mars inspire love or valour; they give a noble origin and a dignified character to these sentiments: but the sentiments themselves act according to the laws of our nature; and their celestial source has no tendency to impair their power over human sympathy. No event, which has not too much modern vulgarity to be susceptible of alliance with poetry, can be incapable of being ennobled by that eminently poetical art which ascribes it either to the Supreme Will, or to the agency of beings who are greater than human. The wisdom of Columbus is neither less venerable, nor less his own, because it is supposed to flow more directly than that of other wise men, from the inspiration of heaven. The mutiny of his seamen is not less interesting or formidable because the poet traces it to the suggestion of those malignant spirits, in whom the imagination, independent of all theological doctrines, is naturally prone to personify and embody the causes of evil.

Unless, indeed, the marvellous be a part of the popular creed at the period of the action, the reader of a subsequent age will refuse to sympathise with it. His poetical faith is founded in sympathy with that of the poetical personages. Still more objectionable is a marvellous influence, neither believed in by the reader nor by the hero;—like a great part of the machinery of the Henriade and the Lusiad, which indeed is not only absolutely ineffective, but rather disennobles heroic fiction, by association with light and frivolous ideas. Allegorical persons (if the expression may be allowed) are only in the way to become agents. The abstraction has received a faint outline of form; but

it has not yet acquired those individual marks and characteristic peculiarities, which render it a really existing being. On the other hand, the more sublime parts of our own religion, and more especially those which are common to all religion, are too awful and too philosophical for poetical effect. If we except Paradise Lost, where all is supernatural, and where the ancestors of the human race are not strictly human beings, it must be owned that no successful attempt has been made to ally a human action with the sublimer principles of the Christian theology. Some opinions, which may perhaps, without irreverence, be said to be rather appendages to the Christian system, than essential parts of it, are in that sort of intermediate state which fits them for the purposes of poetry; —sufficiently exalted to ennoble the human actions with which they are blended, but not so exactly defined, nor so deeply revered, as to be inconsistent with the liberty of imagination. The guardian angels, in the project of Dryden, had the inconvenience of having never taken any deep root in popular belief: the agency of evil spirits was firmly believed in the age of Columbus. With the truth of facts poetry can have no concern; but the truth of manners is necessary to its persons. If the minute investigations of the Notes to this poem had related to historical details, they would have been insignificant; but they are intended to justify the human and the supernatural parts of it, by an appeal to the manners and to the opinions of the age.

Perhaps there is no volume in our language of which it can be so truly said, as of the present, that it is equally exempt from the frailties of negligence and the vices of affectation. Exquisite polish of style is indeed more admired by the artist than by the people. The gentle and elegant pleasure which it imparts, can only be felt by a calm reason, an exercised taste, and a mind free from turbulent passions. But these beauties of execution can exist only in combina-

tion with much of the primary beauties of thought and feeling; and poets of the first rank depend on them for no small part of the perpetuity of their fame. In poetry, though not in eloquence, it is less to rouse the passions of a moment, than to satisfy the taste of all ages.

In estimating the poetical rank of Mr. Rogers, it must not be forgotten that popularity never can arise from elegance alone. The vices of a poem may render it popular; and virtues of a faint character may be sufficient to preserve a languishing and cold reputation. But to be both popular poets and classical writers, is the rare lot of those few who are released from all solicitude about their literary fame. It often happens to successful writers, that the lustre of their first productions throws a temporary cloud over some of those which follow. Of all literary misfortunes, this is the most easily endured, and the most speedily repaired. It is generally no more than a momentary illusion produced by disappointed admiration, which expected more from the talents of the admired writer than any talents could perform. Mr. Rogers has long passed that period of probation, during which it may be excusable to feel some painful solicitude about the reception of every new work. Whatever may be the rank assigned hereafter to his writings, when compared with each other, the writer has most certainly taken his place among the classical poets of his country.

REVIEW

OF

MADAME DE STAËL'S "DE L'ALLEMAGNE."*

Till the middle of the eighteenth century, Germany was, in one important respect, singular among the great nations of Christendom. She had attained a high rank in Europe by discoveries and inventions, by science, by abstract speculation as well as positive knowledge, by the genius and the art of war, and, above all, by the theological revolution, which unfettered the understanding in one part of Europe, and loosened its chains in the other; but she was without a national literature. The country of Guttenberg, of Copernicus, of Luther, of Kepler, and of Leibnitz, had no writer in her own language, whose name was known to the neighbouring nations. German captains and statesmen, philosophers and scholars, were celebrated; but German writers were unknown. The nations of the Spanish peninsula formed the exact contrast to Germany. She had every mark of mental cultivation but a vernacular literature: they, since the Reformation, had ceased to exercise their reason; and they retained only their poets, whom they were content to admire, without daring any longer to emulate. In

* From the Edinburgh Review, vol. xxii. p. 198. — Ed.

Italy, Metastasio was the only renowned poet; and sensibility to the arts of design had survived genius: but the monuments of ancient times still kept alive the pursuits of antiquities and philology; and the rivalship of small states, and the glory of former ages, preserved an interest in literary history. The national mind retained that tendency towards experimental science, which it perhaps principally owed to the fame of Galileo; and began also to take some part in those attempts to discover the means of bettering the human condition, by inquiries into the principles of legislation and political economy, which form the most honourable distinction of the eighteenth century. France and England abated nothing of their activity. Whatever may be thought of the purity of taste, or of the soundness of opinion of Montesquieu and Voltaire, Buffon and Rousseau, no man will dispute the vigour of their genius. The same period among us was not marked by the loss of any of our ancient titles to fame; and it was splendidly distinguished by the rise of the arts, of history, of oratory, and (shall we not add?) of painting. But Germany remained a solitary example of a civilised, learned, and scientific nation, without a literature. The chivalrous ballads of the middle age, and the efforts of the Silesian poets in the beginning of the seventeenth century, were just sufficient to render the general defect more striking. French was the language of every court; and the number of courts in Germany rendered this circumstance almost equivalent to the exclusion of German from every society of rank. Philosophers employed a barbarous Latin,—as they had throughout all Europe, till the Reformation had given dignity to the vernacular tongues, by employing them in the service of Religion, and till Montaigne, Galileo, and Bacon, broke down the barrier between the learned and the people, by philosophising in a popular language; and the German language continued to be the mere instrument of the most vulgar intercourse of life. Germany had,

therefore, no exclusive mental possession: for poetry and eloquence may, and in some measure must be national; but knowledge, which is the common patrimony of civilised men, can be appropriated by no people.

A great revolution, however, at length began, which in the course of half a century terminated in bestowing on Germany a literature, perhaps the most characteristic possessed by any European nation. It had the important peculiarity of being the first which had its birth in an enlightened age. The imagination and sensibility of an infant poetry were in it singularly blended with the refinements of philosophy. A studious and learned people, familiar with the poets of other nations, with the first simplicity of nature and feeling, were too often tempted to pursue the singular, the excessive, and the monstrous. Their fancy was attracted towards the deformities and diseases of moral nature;—the wildness of an infant literature, combined with the eccentric and fearless speculations of a philosophical age. Some of the qualities of the childhood of art were united to others which usually attend its decline. German literature, various, rich, bold, and at length, by an inversion of the usual progress, working itself into originality, was tainted with the exaggeration natural to the imitator, and to all those who know the passions rather by study than by feeling.

Another cause concurred to widen the chasm which separated the German writers from the most polite nations of Europe. While England and France had almost relinquished those more abstruse speculations which had employed them in the age of Gassendi and Hobbes, and, with a confused mixture of contempt and despair, had tacitly abandoned questions which seemed alike inscrutable and unprofitable, a metaphysical passion arose in Germany, stronger and more extensive than had been known in Europe since the downfall of the Scholastic philosophy. A system of

metaphysics appeared, which, with the ambition natural to that science, aspired to dictate principles to every part of human knowledge. It was for a long time universally adopted. Other systems, derived from it, succeeded each other with the rapidity of fashions in dress. Metaphysical publications were multiplied almost to the same degree, as political tracts in the most factious period of a popular government. The subject was soon exhausted, and the metaphysical passion seems to be nearly extinguished: for the small circle of dispute respecting first principles, must be always rapidly described; and the speculator, who thought his course infinite, finds himself almost instantaneously returned to the point from which he began. But the language of abstruse research spread over the whole German style. Allusions to the most subtle speculations were common in popular writings. Bold metaphors, derived from their peculiar philosophy, became familiar in observations on literature and manners. The style of Germany at length differed from that of France, and even of England, more as the literature of the East differs from that of the West, than as that of one European people from that of their neighbours.

Hence it partly arose, that while physical and political Germany was so familiar to foreigners, intellectual and literary Germany continued almost unknown. Thirty years ago *, there were probably in London as many Persian as German scholars. Neither Goethe nor Schiller conquered the repugnance. Political confusions, a timid and exclusive taste, and the habitual neglect of foreign languages, excluded German literature from France. Temporary and permanent causes contributed to banish it, after a short period of success, from England. Dramas, more remarkable for theatrical effect than for dramatic genius, exhibited scenes and characters of a paradoxical morality

* Written in 1813. — Ed.

(on which no writer has animadverted with more philosophical and moral eloquence than Mad. de Staël), — unsafe even in the quiet of the schools, but peculiarly dangerous in the theatre, where it comes into contact with the inflammable passions of ignorant multitudes, — and justly alarming to those who, with great reason, considered domestic virtue as one of the privileges and safeguards of the English nation. These moral paradoxes, which were chiefly found among the inferior poets of Germany, appeared at the same time with the political novelties of the French Revolution, and underwent the same fate. German literature was branded as the accomplice of freethinking philosophy and revolutionary politics. It happened rather whimsically, that we now began to throw out the same reproaches against other nations, which the French had directed against us in the beginning of the eighteenth century. We were then charged by our polite neighbours with the vulgarity and turbulence of rebellious upstarts, who held nothing sacred in religion, or stable in government; whom —

"No king could govern, and no God could please;" *

and whose coarse and barbarous literature could excite only the ridicule of cultivated nations. The political part of these charges we applied to America, which had retained as much as she could of our government and laws; and the literary part to Germany, where literature had either been formed on our models, or moved by a kindred impulse, even where it assumed somewhat of a different form. The same persons who applauded the wit, and pardoned the shocking licentiousness of English comedy, were loudest in their clamours against the immorality of the German theatre. In our zeal against a few scenes, dangerous only by over refinement, we seemed to have forgotten the vulgar grossness which tainted the whole brilliant period

* Absalom and Achitophel. — Ed.

from Fletcher to Congreve. Nor did we sufficiently remember, that the most daring and fantastical combinations of the German stage, did not approach to that union of taste and sense in the thought and expression, with wildness and extravagance in the invention of monstrous character and horrible incident, to be found in some of our earlier dramas, which, for their energy and beauty, the public taste has lately recalled from oblivion.

The more permanent causes of the slow and small progress of German literature in France and England, are philosophically developed in two beautiful chapters of the present work.* A translation from German into a language so different in its structure and origin as French, fails, as a piece of music composed for one sort of instrument when performed on another. In Germany, style, and even language, are not yet fixed. In France, rules are despotic: "the reader will not be amused at the expense of his literary conscience; there alone he is scrupulous." A German writer is above his public, and forms it: a French writer dreads a public already enlightened and severe; he constantly thinks of immediate effect; he is in society, even while he is composing; and never loses sight of the effect of his writings on those whose opinion and pleasantries he is accustomed to fear. The German writers have, in a higher degree, the first requisite for writing — the power of feeling with vivacity and force. In France, a book is read to be spoken of, and must therefore catch the spirit of society: in Germany, it is read by solitary students, who seek instruction or emotion; and, "in the silence of retirement, nothing seems more melancholy than the spirit of the world." The French require a clearness which may sometimes render their writers superficial: and the Germans, in the pursuit of originality and depth, often convey obvious thoughts in an ob-

* Part ii., chap. 1, 2.

scure style. In the dramatic art, the most national part of literature, the French are distinguished in whatever relates to the action, the intrigue, and the interest of events: but the Germans surpass them in representing the impressions of the heart, and the secret storms of the strong passions.

This work will make known to future ages the state of Germany in the highest degree of its philosophical and poetical activity, at the moment before the pride of genius was humbled by foreign conquest, or the national mind turned from literary enthusiasm by struggles for the restoration of independence. The fleeting opportunity of observation at so extraordinary a moment, has happily been seized by one of those very few persons, who are capable at once of observing and painting manners, — of estimating and expounding philosophical systems, — of feeling the beauties of the most dissimilar forms of literature, — of tracing the peculiarities of usages, arts, and even speculations, to their common principle in national character, — and of disposing them in their natural place as features in the great portrait of a people.

The attainments of a respectable traveller of the second class, are, in the present age, not uncommon. Many persons are perfectly well qualified to convey exact information, wherever the subject can be exactly known. But the most important objects in a country can neither be numbered nor measured. The naturalist gives no picture of scenery by the most accurate catalogue of mineral and vegetable produce; and, after all that the political arithmetician can tell us of wealth and population, we continue ignorant of the spirit which actuates them, and of the character which modifies their application. The genius of the philosophical and poetical traveller is of a higher order. It is founded in the power of catching, by a rapid glance, the physiognomy of man and of nature. It is, in one of its parts, an expansion of that sagacity which seizes the character of an individual, in his fea-

tures, in his expression, in his gestures, in his tones,—in every outward sign of his thoughts and feelings. The application of this intuitive power to the varied mass called a "nation," is one of the most rare efforts of the human intellect. The mind and the eye must co-operate, with electrical rapidity, to recall what a nation has been, to sympathise with their present sentiments and passions, and to trace the workings of national character in amusements, in habits, in institutions and opinions. There appears to be an extemporaneous facility of theorising, necessary to catch the first aspect of a new country, — the features of which would enter the mind in absolute confusion, if they were not immediately referred to some principle, and reduced to some system. To embody this conception, there must exist the power of painting both scenery and character, — of combining the vivacity of first impression with the accuracy of minute examination, — of placing a nation, strongly individualised by every mark of its mind and disposition, in the midst of ancient monuments, clothed in its own apparel, engaged in its ordinary occupations and pastimes amidst its native scenes, like a grand historical painting, with appropriate drapery, and with the accompaniments of architecture and landscape, which illustrate and characterise, as well as adorn.

The voice of Europe has already applauded the genius of a national painter in the author of Corinne. But it was there aided by the power of a pathetic fiction, by the variety and opposition of national character, and by the charm of a country which unites beauty to renown. In the work before us, she has thrown off the aid of fiction; she delineates a less poetical character, and a country more interesting by expectation than by recollection. But it is not the less certain that it is the most vigorous effort of her genius, and probably the most elaborate and masculine production of the faculties of woman. What other woman indeed, (and we may add how many men,)

could have preserved all the grace and brilliancy of Parisian society in analysing its nature, — explained the most abstruse metaphysical theories of Germany precisely, yet perspicuously and agreeably, — and combined the eloquence which inspires exalted sentiments of virtue, with the enviable talent of gently indicating the defects of men or of nations, by the skilfully softened touches of a polite and merciful pleasantry?

In a short introduction, the principal nations of Europe are derived from three races, — the Sclavonic, the Latin, and the Teutonic. The imitative and feeble literature, — the recent precipitate and superficial civilisation of the Sclavonic nations, sufficiently distinguish them from the two great races. The Latin nations, who inhabit the south of Europe, are the most anciently civilised: social institutions, blended with Paganism, preceded their reception of Christianity. They have less disposition than their northern neighbours to abstract reflection; they understand better the business and pleasures of the world; they inherit the sagacity of the Romans in civil affairs; and "they alone, like those ancient masters, know how to practise the art of domination." The Germanic nations, who inhabit the north of Europe and the British islands, received their civilisation with Christianity: chivalry and the middle ages are the subjects of their traditions and legends; their natural genius is more Gothic than classical; they are distinguished by independence and good faith, — by seriousness both in their talents and character, rather than by address or vivacity. "The social dignity which the English owe to their political constitution, places them at the head of Teutonic nations, but does not exempt them from the character of the race." The literature of the Latin nations is copied from the ancients, and retains the original colour of their polytheism: that of the nations of Germanic origin has a chivalrous basis, and is modified by a spiritual religion. The French and Germans are

at the two extremities of the chain; — the French considering outward objects, and the Germans thought and feeling, as the prime movers of the moral world. "The French, the most cultivated of Latin nations, inclines to a classical poetry: the English, the most illustrious of Germanic ones, delights in a poetry more romantic and chivalrous."

The theory which we have thus abridged is most ingenious, and exhibits in the liveliest form the distinction between different systems of literature and manners. It is partly true; for the principle of race is doubtless one of the most important in the history of mankind; and the first impressions on the susceptible character of rude tribes may be traced in the qualities of their most civilised descendants. But, considered as an exclusive and universal theory, it is not secure against the attacks of sceptical ingenuity. The facts do not seem entirely to correspond with it. It was among the Latin nations of the South, that chivalry and romance first flourished. Provence was the earliest seat of romantic poetry. A chivalrous literature predominated in Italy during the most brilliant period of Italian genius. The poetry of the Spanish peninsula seems to have been more romantic and less subjected to classical bondage than that of any other part of Europe. On the contrary, chivalry, which was the refinement of the middle age, penetrated more slowly into the countries of the North. In general, the character of the literature of each European nation seems extremely to depend upon the period at which it had reached its highest point of cultivation. Spanish and Italian poetry flourished while Europe was still chivalrous. French literature attained its highest splendour after the Grecian and Roman writers had become the object of universal reverence. The Germans cultivated their poetry a hundred years later, when the study of antiquity had revived the knowledge of the Gothic sentiments and principles. Nature produced a chivalrous poetry in the sixteenth century;

—learning in the eighteenth. Perhaps the history of English poetry reflects the revolution of European taste more distinctly than that of any other nation. We have successively cultivated a Gothic poetry from nature, a classical poetry from imitation, and a second Gothic from the study of our own ancient poets.

To this consideration must be added, that Catholic and Protestant nations must differ in their poetical system. The festal shows and legendary polytheism of the Catholics had the effect of a sort of Christian Paganism. The Protestant poetry was spiritualised by the genius of their worship, and was undoubtedly exalted by the daily perusal of translations of the sublime poems of the Hebrews,—a discipline without which it is probable that the nations of the West never could have been prepared to endure Oriental poetry. In justice, however, to the ingenious theory of Mad. de Staël, it ought to be observed, that the original character ascribed by her to the Northern nations, must have disposed them to the adoption of a Protestant faith and worship; while the Popery of the South was naturally preserved by an early disposition to a splendid ceremonial, and a various and flexible mythology.

The work is divided into four parts:—on Germany and German Manners; on Literature and the Arts; on Philosophy and Morals; on Religion and Enthusiasm.

The first is the most perfect in its kind, belongs the most entirely to the genius of the writer, and affords the best example of the talent for painting nations, which we have attempted to describe. It seems also, as far as foreign critics can presume to decide, to be in the most finished style of any composition of the author, and more securely to bid defiance to that minute criticism, which, in other works, her genius rather disdained than propitiated. The Germans are a just, constant and sincere people; with great power of imagination and reflection; without brilliancy in

society, or address in affairs: slow, and easily intimidated in action; adventurous and fearless in speculation; often uniting enthusiasm for the elegant arts with little progress in the manners and refinements of life; more capable of being inflamed by opinions than by interests; obedient to authority, rather from an orderly and mechanical character than from servility; having learned to value liberty neither by the enjoyment of it, nor by severe oppression; divested by the nature of their governments, and the division of their territories, of patriotic pride; too prone, in the relations of domestic life, to substitute fancy and feeling for positive duty; not unfrequently combining a natural character with artificial manners, and much real feeling with affected enthusiasm; divided by the sternness of feudal demarcation into an unlettered nobility, unpolished scholars, and a depressed commonalty; and exposing themselves to derision, when, with their grave and clumsy honesty, they attempt to copy the lively and dexterous profligacy of their Southern neighbours.

In the plentiful provinces of Southern Germany, where religion, as well as government, shackle the activity of speculation, the people have sunk into a sort of lethargic comfort and stupid enjoyment. It is a heavy and monotonous country, with no arts, except the national art of instrumental music,—no literature,—a rude utterance,—no society, or only crowded assemblies, which seemed to be brought together for ceremonial, more than for pleasure,—"an obsequious politeness towards an aristocracy without elegance." In Austria, more especially, are seen a calm and languid mediocrity in sensations and desires,—a people mechanical in their very sports, "whose existence is neither disturbed nor exalted by guilt or genius, by intolerance or enthusiasm,"—a phlegmatic administration, inflexibly adhering to its ancient course, and repelling knowledge, on which the vigour of states must now depend,—great societies of amiable and

respectable persons,—which suggest the reflection, that "in retirement monotony composes the soul, but in the world it wearies the mind."

In the rigorous climate and gloomy towns of Protestant Germany only, the national mind is displayed. There the whole literature and philosophy are assembled. Berlin is slowly rising to be the capital of enlightened Germany. The Duchess of Weimar, who compelled Napoleon to respect her in the intoxication of victory, has changed her little capital into a seat of knowledge and elegance, under the auspices of Goethe, Wieland, and Schiller. No European palace has assembled so refined a society since some of the small Italian courts of the sixteenth century. It is only by the Protestant provinces of the North that Germany is known as a lettered and philosophical country.

Moralists and philosophers have often remarked, that licentious gallantry is fatal to love, and destructive of the importance of women. "I will venture to assert," says Mad. de Staël, "against the received opinion, that France was perhaps, of all the countries of the world, that in which women had the least happiness in love. It was called the 'paradise' of women, because they enjoyed the greatest liberty; but that liberty arose from the negligent profligacy of the other sex." The observations* which follow this remarkable testimony are so beautiful and forcible, that they ought to be engraven on the mind of every woman disposed to murmur at those restraints which maintain the dignity of womanhood.

Some enthusiasm, says Mad. de Staël, or, in other words, some high passion, capable of actuating multitudes, has been felt by every people, at those epochs of their national existence, which are distinguished by great acts. Four periods are very remarkable in the progress of the European world: the heroic ages

* Part i. chap. 4.

which founded civilisation; republican patriotism, which was the glory of antiquity; chivalry, the martial religion of Europe; and the love of liberty, of which the history began about the period of the Reformation. The chivalrous impression is worn out in Germany; and, in future, says this generous and enlightened writer, "nothing great will be accomplished in that country, but by the liberal impulse which has in Europe succeeded to chivalry."

The society and manners of Germany are continually illustrated by comparison or contrast with those of France. Some passages and chapters on this subject, together with the author's brilliant preface to the thoughts of the Prince de Ligne, may be considered as the first contributions towards a theory of the talent—if we must not say of the art—of conversation, which affords so considerable a part of the most liberal enjoyments of refined life. Those, indeed, who affect a Spartan or monastic severity in their estimate of the society of capitals, may almost condemn a talent, which in their opinion only adorns vice. But that must have a moral tendency which raises society from slander or intoxication, to any contest and rivalship of mental power. Wit and grace are perhaps the only means which could allure the thoughtless into the neighbourhood of reflection, and inspire them with some admiration for superiority of mind. Society is the only school in which the indolence of the great will submit to learn. Refined conversation is at least sprinkled with literature, and directed, more often than the talk of the vulgar, to objects of general interest. That talent cannot really be frivolous which affords the channel through which some knowledge, or even some respect for knowledge, may be insinuated into minds incapable of labour, and whose tastes so materially influence the community. Satirical pictures of the vices of a great society, create a vulgar prejudice against their most blameless and virtuous pleasures. But, whatever may

be the vice of London or Paris, it is lessened, not increased, by the cultivation of every liberal talent which innocently fills their time, and tends, in some measure, to raise them above malice and sensuality. And there is a considerable illusion in the provincial estimate of the immoralities of the capital. These immoralities are public, from the rank of the parties; and they are rendered more conspicuous by the celebrity, or perhaps by the talents, of some of them. Men of letters, and women of wit, describe their own sufferings with eloquence,—the faults of others, and sometimes their own, with energy: their descriptions interest every reader, and are circulated throughout Europe. But it does not follow that the miseries or the faults are greater or more frequent than those of obscure and vulgar persons, whose sufferings and vices are known to nobody, and would be uninteresting if they were known.

The second, and most generally amusing, as well as the largest part of this work, is an animated sketch of the literary history of Germany, with criticisms on the most celebrated German poets and poems, interspersed with reflections equally original and beautiful, tending to cultivate a comprehensive taste in the fine arts, and to ingraft the love of virtue on the sense of beauty. Of the poems criticised, some are well known to most of our readers. The earlier pieces of Schiller are generally read in translations of various merit, though, except the Robbers, they are not by the present taste of Germany placed in the first class of his works. The versions of Leonora, of Oberon, of Wallenstein, of Nathan, and of Iphigenia in Tauris, are among those which do the most honour to English literature. Göetz of Berlichingen has been vigorously rendered by a writer, whose chivalrous genius, exerted upon somewhat similar scenes of British history, has since rendered him the most popular poet of his age.

An epic poem, or a poetical romance, has lately been discovered in Germany, entitled "Niebelungen,"

on the Destruction of the Burgundians by Attila; and it is believed, that at least some parts of it were composed not long after the event, though the whole did not assume its present shape till the completion of the vernacular languages about the beginning of the thirteenth century. Luther's version of the Scriptures was an epoch in German literature. One of the innumerable blessings of the Reformation was to make reading popular by such translations, and to accustom the people to weekly attempts at some sort of argument or declamation in their native tongue. The vigorous mind of the great Reformer gave to his translation an energy and conciseness, which made it a model in style, as well as an authority in language. Hagedorn, Weiss, and Gellert, copied the French without vivacity; and Bodmer imitated the English without genius.

At length Klopstock, an imitator of Milton, formed a German poetry, and Wieland improved the language and versification; though this last accomplished writer has somewhat suffered in his reputation, by the recent zeal of the Germans against the imitation of any foreign, but especially of the French school. "The genius of Klopstock was enflamed by the perusal of Milton and Young." This combination of names is astonishing to an English ear. It creates a presumption against the poetical sensibility of Klopstock, to find that he combined two poets, placed at an immeasurable distance from each other; and whose whole superficial resemblance arises from some part of Milton's subject, and from the doctrines of their theology, rather than the spirit of their religion. Through all the works of Young, written with such a variety of temper and manner, there predominates one talent,—inexhaustible wit, with little soundness of reason or depth of sensibility. His melancholy is artificial; and his combinations are as grotesque and fantastic in his Night Thoughts as in his Satires. How exactly does a poet characterise his own talent,

who opens a series of poetical meditations on death and immortality, by a satirical epigram against the selfishness of the world? Wit and ingenuity are the only talents which Milton disdained. He is simple in his conceptions, even when his diction is overloaded with gorgeous learning. He is never gloomy but when he is grand. He is the painter of love, as well as of terror. He did not aim at mirth; but he is cheerful whenever he descends from higher feelings: and nothing tends more to inspire a calm and constant delight, than the contemplation of that ideal purity and grandeur which he, above all poets, had the faculty of bestowing on every form of moral nature. Klopstock's ode on the rivalship of the muse of Germany with the muse of Albion, is elegantly translated by Mad. de Staël; and we applaud her taste for preferring prose to verse in French translations of German poems.

After having spoken of Winkelmann and Lessing, the most perspicuous, concise, and lively of German prose-writers, she proceeds to Schiller and Goethe, the greatest of German poets. Schiller presents only the genius of a great poet, and the character of a virtuous man. The original, singular, and rather admirable than amiable mind of Goethe,—his dictatorial power over national literature,—his inequality, caprice, originality, and fire in conversation,—his union of a youthful imagination with exhausted sensibility, and the impartiality of a stern sagacity, neither influenced by opinions nor predilections, are painted with extraordinary skill.

Among the tragedies of Schiller which have appeared since we have ceased to translate German dramas, the most celebrated are, Mary Stuart, Joan of Arc, and William Tell. Such subjects as Mary Stuart generally excite an expectation which cannot be gratified. We agree with Madame de Staël in admiring many scenes of Schiller's Mary, and especially her noble farewell to Leicester. But the tragedy would

probably displease English readers, to say nothing of spectators. Our political disputes have given a more inflexible reality to the events of Elizabeth's reign, than history would otherwise have bestowed on facts equally modern. Neither of our parties could endure a Mary who confesses the murder of her husband, or an Elizabeth who instigates the assassination of her prisoner. In William Tell, Schiller has avoided the commonplaces of a republican conspiracy, and faithfully represented the indignation of an oppressed Helvetian Highlander.

Egmont is considered by Mad. de Staël as the finest of Goethe's tragedies, written, like Werther, in the enthusiasm of his youth. It is rather singular that poets have availed themselves so little of the chivalrous character, the illustrious love, and the awful malady of Tasso. The Torquato Tasso of Goethe is the only attempt to convert this subject to the purposes of the drama. Two men of genius, of very modern times, have suffered in a somewhat similar manner: but the habits of Rousseau's life were vulgar, and the sufferings of Cowper are both recent and sacred. The scenes translated from Faust well represent the terrible energy of that most odious of the works of genius, in which the whole power of imagination is employed to dispel the charms which poetry bestows on human life, — where the punishment of vice proceeds from cruelty without justice, and "where the remorse seems as infernal as the guilt."

Since the death of Schiller, and the desertion of the drama by Goethe, several tragic writers have appeared, the most celebrated of whom are Werner, the author of Luther and of Attila, Gerstenberg, Klinger, Tieck, Collin, and Oëhlenschläger, a Dane, who has introduced into his poetry the terrible mythology of Scandinavia.

The result of the chapter on Comedy seems to be, that the comic genius has not yet arisen in Germany. German novels have been more translated into Eng-

lish than other works of literature; and a novel by Tieck, entitled "Sternbald," seems to deserve translation. Jean Paul Richter, a popular novelist, but too national to bear translation, said, "that the French had the empire of the land, the English that of the sea, and the Germans that of the air.

Though Schiller wrote the History of the Belgic Revolt, and of the Thirty Years' War, with eloquence and the spirit of liberty, the only classical writer in this department is J. de Müller, the historian of Switzerland. Though born in a speculative age, he has chosen the picturesque and dramatic manner of ancient historians; and his minute erudition in the annals of the Middle Ages supplies his imagination with the particulars which characterise persons and actions. He abuses his extent of knowledge and power of detail; he sometimes affects the sententiousness of Tacitus; and his pursuit of antique phraseology occasionally degenerates into affectation. But his diction is in general grave and severe; and in his posthumous Abridgment of Universal History, he has shown great talents for that difficult sort of composition, — the power of comprehensive outline, of compression without obscurity, of painting characters by few and grand strokes, and of disposing events so skilfully, that their causes and effects are seen without being pointed out. Like Sallust, another affecter of archaism, and declaimer against his age, his private and political life is said to have been repugnant to his historical morality. "The reader of Müller is desirous of believing that of all the virtues which he strongly felt in the composition of his works, there were at least some which he permanently possessed."

The estimate of literary Germany would not be complete, without the observation that it possesses a greater number of laborious scholars, and of useful books, than any other country. The possession of other languages may open more literary enjoyment: the German is assuredly the key to most knowledge.

The works of Fullcborn, Buhle, Tiedemann, and Tennemann, are the first attempts to form a philosophical history of philosophy, of which the learned compiler Brucker had no more conception than a monkish annalist of rivalling Hume. The philosophy of literary history is one of the most recently opened fields of speculation. A few beautiful fragments of it are among the happiest parts of Hume's Essays. The great work of Madame de Staël On Literature, was the first attempt on a bold and extensive scale. In the neighbourhood of her late residence *, and perhaps not uninfluenced by her spirit, two writers of great merit, though of dissimilar character, have very recently treated various parts of this wide subject; M. de Sismondi, in his History of the Literature of the South, and M. de Barante, in his Picture of French Literature during the Eighteenth Century. Sismondi, guided by Bouterweck and Schlegel, hazards larger views, indulges his talent for speculation, and seems with difficulty to suppress that bolder spirit, and those more liberal principles, which breathe in his History of the Italian Republics. Barante, more thoroughly imbued with the elegances and the prejudices of his national literature, feels more delicately the peculiarities of great writers, and traces with a more refined sagacity the immediate effects of their writings. But his work, under a very ingenious disguise of literary criticism, is an attack on the opinions of the eighteenth century; and it will assuredly never be honoured by the displeasure either of Napoleon, or of any of his successors in absolute power.

One of our authoress's chapters is chiefly employed on the works and system of William and Frederic Schlegel; — of whom William is celebrated for his Lectures on Dramatic Poetry, for his admirable translation of Shakspeare, and for versions, said to be of equal excellence, of the Spanish dramatic poets; and

* Coppet, near Geneva.

Frederic, besides his other merits, has the very singular distinction of having acquired the Sanscrit language, and studied the Indian learning and science in Europe, chiefly by the aid of a British Orientalist, long detained as a prisoner at Paris. The general tendency of the literary system of these critics, is towards the manners, poetry, and religion of the Middle Ages. They have reached the extreme point towards which the general sentiment of Europe has been impelled by the calamities of a philosophical revolution, and the various fortunes of a twenty years' universal war. They are peculiarly adverse to French literature, which, since the age of Louis XIV., has, in their opinion, weakened the primitive principles common to all Christendom, as well as divested the poetry of each people of its originality and character. Their system is exaggerated and exclusive: in pursuit of national originality, they lose sight of the primary and universal beauties of art. The imitation of our own antiquities may be as artificial as the copy of a foreign literature. Nothing is less natural than a modern antique. In a comprehensive system of literature, there is sufficient place for the irregular works of sublime genius, and for the faultless models of classical taste. From age to age, the multitude fluctuates between various and sometimes opposite fashions of literary activity. These are not all of equal value; but the philosophical critic discovers and admires the common principles of beauty, from which they all derive their power over human nature.

The Third Part of this work is the most singular. An account of metaphysical systems by a woman, is a novelty in the history of the human mind; and whatever may be thought of its success in some of its parts, it must be regarded on the whole as the boldest effort of the female intellect. It must, however, not be forgotten, that it is a contribution rather to the history of human nature, than to that of speculation; and that it considers the source, spirit, and

moral influence of metaphysical opinions, more than their truth or falsehood. "Metaphysics are at least the gymnastics of the understanding." The commonplace clamour of mediocrity will naturally be excited by the sex, and even by the genius of the author. Every example of vivacity and grace, every exertion of fancy, every display of eloquence, every effusion of sensibility, will be cited as a presumption against the depth of her researches, and the accuracy of her statements. On such principles, the evidence against her would doubtless be conclusive. But dulness is not accuracy; nor are ingenious and elegant writers therefore superficial: and those who are best acquainted with the philosophical revolutions of Germany, will be most astonished at the general correctness of this short, clear, and agreeable exposition.

The character of Lord Bacon is a just and noble tribute to his genius. Several eminent writers of the Continent have, however, lately fallen into the mistake of ascribing to him a system of opinions respecting the origin and first principles of human knowledge. What distinguishes him among great philosophers is, that he taught no peculiar opinions, but wholly devoted himself to the improvement of the method of philosophising. He belongs neither to the English nor any other school of metaphysics; for he was not a metaphysician. Mr. Locke was not a moralist; and his collateral discussions of ethical subjects are not among the valuable parts of his great work. "The works of Dugald Stewart contain so perfect a theory of the intellectual faculties, that it may be considered as the natural history of a moral being." The French metaphysicians of the 18th century, since Condillac, deserve the contempt expressed for them, by their shallow, precipitate, and degrading misapplications of the Lockian philosophy. It is impossible to abridge the abridgment here given of the Kantian philosophy, or of those systems which have arisen from it, and which continue to dispute the supremacy of the spe-

culative world. The opinions of Kant are more fully stated, because he has changed the general manner of thinking, and has given a new direction to the national mind. Those of Fichte, Schelling, and his other successors, it is of less importance to the proper purpose of this work to detail; because, though their doctrines be new, they continue and produce the same effect on national character, and the same influence on sciences and arts. The manner of philosophising remains the same in the Idealism of Fichte, and in the Pantheism of Schelling. Under various names and forms, it is the general tendency of the German philosophy to consider thought not as the produce of objects, or as one of the classes of phenomena, but as the agent which exhibits the appearance of the outward world, and which regulates those operations which it seems only to represent. The philosophy of the human understanding is, in all countries, acknowledged to contain the principles of all sciences; but in Germany, metaphysical speculation pervades their application to particulars.

The subject of the Fourth Part is the state of religion, and the nature of all those disinterested and exalted sentiments which are here comprehended under the name of "enthusiasm." A contemplative people like the Germans have in their character the principle which disposes men to religion. The Reformation, which was their Revolution, arose from ideas. "Of all the great men whom Germany has produced, Luther has the most German character. His firmness had something rude; his conviction made him opiniated; intellectual boldness was the source of his courage; in action, the ardour of his passions did not divert him from abstract studies; and though he attacked certain dogmas and practices, he was not urged to the attack by incredulity, but by enthusiasm."

"The right of examining what we ought to believe, is the foundation of Protestantism." Though each of the first Reformers established a practical Popery in

his own church, opinions were gradually liberalised, and the temper of sects was softened. Little open incredulity had appeared in Germany; and even Lessing speculated with far more circumspection than had been observed by a series of English writers from Hobbes to Bolingbroke. Secret unbelievers were friendly to Christianity and Protestantism, as institutions beneficial to mankind, and far removed from that anti-religious fanaticism which was more naturally provoked in France by the intolerant spirit and invidious splendour of a Catholic hierarchy.

The reaction of the French Revolution has been felt throughout Europe, in religion as well as in politics. Many of the higher classes adopted some portion of those religious sentiments of which they at first assumed the exterior, as a badge of their hostility to the fashions of France. The sensibility of the multitude, impatient of cold dogmatism and morality, eagerly sought to be once more roused by a religion which employed popular eloquence, and spoke to imagination and emotion. The gloom of general convulsions and calamities created a disposition to seriousness, and to the consolations of piety; and the disasters of a revolution allied to incredulity, threw a more than usual discredit and odium on irreligious opinions. In Great Britain, these causes have acted most conspicuously on the inferior classes; though they have also powerfully affected many enlightened and accomplished individuals of a higher condition. In France, they have produced in some men of letters, the play of a sort of poetical religion round the fancy: but the general effect seems to have been a disposition to establish a double doctrine,—a system of infidelity for the initiated, with a contemptuous indulgence and even active encouragement of superstition among the vulgar, like that which prevailed among the ancients before the rise of Christianity. This sentiment (from the revival of which the Lutheran Reformation seems to have preserved Europe), though not so furious and

frantic as the atheistical fanaticism of the Reign of Terror, is, beyond any permanent condition of human society, destructive of ingenuousness, good faith, and probity,—of intellectual courage, and manly character,—and of that respect for all human beings, without which there can be no justice or humanity from the powerful towards the humble.

In Germany the effects have been also very remarkable. Some men of eminence in literature have become Catholics. In general, their tendency is towards a pious mysticism, which almost equally loves every sect where a devotional spirit prevails. They have returned rather to sentiment than to dogma,—more to religion than to theology. Their disposition to religious feeling, which they call "religiosity," is, to use the words of a strictly orthodox English theologian, "a love of divine things for the beauty of their moral qualities." It is the love of the good and fair, wherever it exists, but chiefly when absolute and boundless excellence is contemplated in "the first good, first perfect, first fair." This moral enthusiasm easily adapts itself to the various ceremonies of worship, and even systems of opinion prevalent among mankind. The devotional spirit, contemplating different parts of the order of nature, or influenced by a different temper of mind, may give rise to very different and apparently repugnant theological doctrines. These doctrines are considered as modifications of human nature, under the influence of the religious principle,—not as propositions which argument can either establish or confute, or reconcile with each other. The Ideal philosophy favours this singular manner of considering the subject. As it leaves no reality but in the mind, it lessens the distance between belief and imagination; and disposes its adherents to regard opinions as the mere play of the understanding,—incapable of being measured by any outward standard, and important chiefly from reference to the sentiment, from which they spring, and on which they powerfully react.

The union of a mystical piety, with a philosophy verging towards idealism, has accordingly been observed in periods of the history of the human understanding, very distant from each other, and, in most of their other circumstances, extremely dissimilar. The same language, respecting the annihilation of self, and of the world, may be used by the sceptic and by the enthusiast. Among the Hindu philosophers in the most ancient times,—among the Sufis in modern Persia,—during the ferment of Eastern and Western opinions, which produced the latter Platonism,—in Malbranche and his English disciple Norris,—and in Berkeley himself, though in a tempered and mitigated state,—the tendency to this union may be distinctly traced. It seems, however, to be fitted only for few men; and for them not long. Sentiments so sublime, and so distant from the vulgar affairs and boisterous passions of men, may be preserved for a time, in the calm solitude of a contemplative visionary; but in the bustle of the world they are likely soon to evaporate, when they are neither embodied in opinions, nor adorned by ceremonies, nor animated by the attack and defence of controversy. When the ardour of a short-lived enthusiasm has subsided, the poetical philosophy which exalted fancy to the level of belief, may probably leave the same ultimate result with the argumentative scepticism which lowered belief to the level of fancy.

An ardent susceptibility of every disinterested sentiment,—more especially of every social affection,—blended by the power of imagination with a passionate love of the beautiful, the grand, and the good, is, under the name of "enthusiasm," the subject of the conclusion,—the most eloquent part (if we perhaps except the incomparable chapter on "Conjugal Love") of a work which, for variety of knowledge, flexibility of power, elevation of view, and comprehension of mind, is unequalled among the works of women; and which, in the union of the graces of society and

literature with the genius of philosophy, is not surpassed by many among those of men. To affect any tenderness in pointing out its defects or faults, would be an absurd assumption of superiority: it has no need of mercy. The most obvious and general objection will be, that the Germans are too much praised. But every writer must be allowed to value his subject somewhat higher than the spectator: unless the German feelings had been adopted, they could not have been forcibly represented. It will also be found, that the objection is more apparent than real. Mad. de Staël is indeed the most generous of critics; but she almost always speaks the whole truth to intelligent ears; though she often hints the unfavourable parts of it so gently and politely, that they may escape the notice of a hasty reader, and be scarcely perceived by a gross understanding. A careful reader, who brings together all the observations intentionally scattered over various parts of the book, will find sufficient justice (though administered in mercy) in whatever respects manners or literature. It is on subjects of philosophy that the admiration will perhaps justly be considered as more undistinguishing. Something of the wonder excited by novelty in language and opinion still influences her mind. Many writers have acquired philosophical celebrity in Germany, who, if they had written with equal power, would have been unnoticed or soon forgotten in England. Our theosophists, the Hutchinsonians, had as many men of talent among them, as those whom M. de Staël has honoured by her mention among the Germans: but they have long since irrecoverably sunk into oblivion. There is a writer now alive in England*, who has published doctrines not dissimilar to those which Mad. de Staël ascribes to Schelling. Notwithstanding the allurements of a singular character, and an unintelligible style, his paradoxes are probably not known to a dozen

* Probably Mr. William Taylor, of Norwich. — Ed.

persons in this busy country of industry and ambition. In a bigoted age, he might have suffered the martyrdom of Vanini or Bruno: in a metaphysical country, where a new publication was the most interesting event, and where twenty universities, unfettered by Church or State, were hotbeds of speculation, he might have acquired celebrity as the founder of a sect.

In this as in the other writings of Mad. de Staël, the reader (or at least the lazy English reader) is apt to be wearied by too constant a demand upon his admiration. It seems to be part of her literary system, that the pauses of eloquence must be filled up by ingenuity. Nothing plain and unornamented is left in composition. But we desire a plain groundwork, from which wit or eloquence is to arise, when the occasion calls them forth. The effect would be often greater if the talent were less. The natural power of interesting scenes or events over the heart, is somewhat disturbed by too uniform a colour of sentiment, and by the constant pursuit of uncommon reflections or ingenious turns. The eye is dazzled by unvaried brilliancy We long for the grateful vicissitude of repose.

In the statement of facts and reasonings, no style is more clear than that of Mad. de Staël;—what is so lively must indeed be clear: but in the expression of sentiment she has been often thought to use vague language. In expressing either intense degrees, or delicate shades, or intricate combinations of feeling, the common reader will seldom understand that of which he has never been conscious; and the writer placed on the extreme frontiers of human nature, is in danger of mistaking chimeras for realities, or of failing in a struggle to express what language does not afford the means of describing. There is also a vagueness incident to the language of feeling, which is not so properly a defect, as a quality which distinguishes it from the language of thought. Very often it

poetry, and sometimes in eloquence, it is the office of words, not so much to denote a succession of separate ideas, as, like musical sounds, to inspire a series of emotions, or to produce a durable tone of sentiment. The terms "perspicuity" and "precision," which denote the relations of language to intellectual discernment, are inapplicable to it when employed as the mere vehicle of a succession of feelings. A series of words may, in this manner, be very expressive, where few of them singly convey a precise meaning: and men of greater intellect than susceptibility, in such passages as those of Mad. de Staël,—where eloquence is employed chiefly to inspire feeling,—unjustly charge their own defects to that deep, moral, and poetical sensibility with which they are unable to sympathise.

The few persons in Great Britain who continue to take an interest in speculative philosophy, will certainly complain of some injustice in her estimate of German metaphysical systems. The moral painter of nations is indeed more authorised than the speculative philosopher to try these opinions by their tendencies and results. When the logical consequences of an opinion are false, the opinion itself must also be false: but whether the supposed pernicious influence of the adoption, or habitual contemplation of an opinion, be a legitimate objection to the opinion itself, is a question which has not yet been decided to the general satisfaction, nor perhaps even stated with sufficient precision.

There are certain facts in human nature, derived either from immediate consciousness or unvarying observation, which are more certain than the conclusions of any abstract reasoning, and which metaphysical theories are destined only to explain. That a theory is at variance with such facts, and logically leads to the denial of their existence, is a strictly philosophical objection to the theory:—that there is a real distinction between right and wrong, in some measure apprehended and felt by all men,—that moral senti-

ments and disinterested affections, however originating, are actually a part of our nature, — that praise and blame, reward and punishment, may be properly bestowed on actions according to their moral character, — are principles as much more indubitable as they are more important than any theoretical conclusions. Whether they be demonstrated by reason, or perceived by intuition, or revealed by a primitive sentiment, they are equally indispensable parts of every sound mind. But the mere inconvenience or danger of an opinion can never be allowed as an argument against its truth. It is indeed the duty of every good man to present to the public what he believes to be truth, in such a manner as may least wound the feelings, or disturb the principles of the simple and the ignorant: and that duty is not always easily reconcileable with the duties of sincerity and free inquiry. The collision of such conflicting duties is the painful and inevitable consequence of the ignorance of the multitude, and of the immature state, even in the highest minds, of the great talent for presenting truth under all its aspects, and adapting it to all the degrees of capacity or varieties of prejudice which distinguish men. That talent must one day be formed; and we may be perfectly assured that the whole of truth can never be injurious to the whole of virtue. In the mean time philosophers would act more magnanimously, and therefore, perhaps, more wisely, if they were to suspend, during discussion *, their moral anger against doctrines which they deem pernicious; and, while they estimate actions, habits, and institutions, by their tendency, to weigh opinions in the mere balance of reason. Virtue in action may require the impulse of sentiment, and even of enthusiasm: but in theoretical researches, her champions must not appear to decline the combat on any ground chosen by their adversaries, and least of all on

* The observation may be applied to Cicero and Stewart, as well as to Mad. de Staël.

that of intellect. To call in the aid of popular feelings in philosophical contests, is some avowal of weakness. It seems a more magnanimous wisdom to defy attack from every quarter, and by every weapon; and to use no topics which can be thought to imply an unworthy doubt whether the principles of virtue be impregnable by argument, or to betray an irreverent distrust of the final and perfect harmony between morality and truth.

DISCOURSE

READ AT THE OPENING OF

THE LITERARY SOCIETY OF BOMBAY.

[26th Nov. 1804.]

GENTLEMEN, — The smallest society, brought together by the love of knowledge, is respectable in the eye of Reason; and the feeblest efforts of infant Literature in barren and inhospitable regions are in some respects more interesting than the most elaborate works and the most successful exertions of the human mind. They prove the diffusion, at least, if not the advancement of science; and they afford some sanction to the hope, that Knowledge is destined one day to visit the whole earth, and, in her beneficial progress, to illuminate and humanise the whole race of man. It is, therefore, with singular pleasure that I see a small but respectable body of men assembled here by such a principle. I hope that we agree in considering all Europeans who visit remote countries, whatever their separate pursuits may be, as detachments of the main body of civilised men, sent out to levy contributions of knowledge, as well as to gain victories over barbarism.

When a large portion of a country so interesting as India fell into the hands of one of the most intelligent and inquisitive nations of the world, it was natural to expect that its ancient and present state should at last be fully disclosed. These expectations were

indeed, for a time disappointed: during the tumult of revolution and war it would have been unreasonable to have entertained them; and when tranquillity was established in that country, which continues to be the centre of the British power in Asia *, it ought not to have been forgotten that every Englishman was fully occupied by commerce, by military service, or by administration; that we had among us no idle public of readers, and, consequently, no separate profession of writers; and that every hour bestowed on study was to be stolen from the leisure of men often harassed by business, enervated by the climate, and more disposed to seek amusement than new occupation, in the intervals of their appointed toils.

It is, besides, a part of our national character, that we are seldom eager to display, and not always ready to communicate, what we have acquired. In this respect we differ considerably from other lettered nations. Our ingenious and polite neighbours on the continent of Europe,—to whose enjoyment the applause of others seems more indispensable, and whose faculties are more nimble and restless, if not more vigorous than ours—are neither so patient of repose, nor so likely to be contented with a secret hoard of knowledge. They carry even into their literature a spirit of bustle and parade;—a bustle, indeed, which springs from activity, and a parade which animates enterprise, but which are incompatible with our sluggish and sullen dignity. Pride disdains ostentation, scorns false pretensions, despises even petty merit, refuses to obtain the objects of pursuit by flattery or importunity, and scarcely values any praise but that which she has the right to command. Pride, with which foreigners charge us, and which under the name of a "sense of dignity" we claim for ourselves, is a lazy and unsocial quality; and is in these respects, as in most others, the very reverse of the sociable and good-

* Bengal.—Ed.

humoured vice of vanity. It is not, therefore, to be wondered at, if in India our national character, co-operating with local circumstances, should have produced some real and perhaps more apparent inactivity in working the mine of knowledge of which we had become the masters.

Yet some of the earliest exertions of private Englishmen are too important to be passed over in silence. The compilation of laws by Mr. Halhed, and the Ayeen Akbaree, translated by Mr. Gladwin, deserve honourable mention. Mr. Wilkins gained the memorable distinction of having opened the treasures of a new learned language to Europe.

But, notwithstanding the merit of these individual exertions, it cannot be denied that the era of a general direction of the mind of Englishmen in this country towards learned inquiries, was the foundation of the Asiatic Society by Sir William Jones. To give such an impulse to the public understanding is one of the greatest benefits that a man can confer on his fellow men. On such an occasion as the present, it is impossible to pronounce the name of Sir William Jones without feelings of gratitude and reverence. He was among the distinguished persons who adorned one of the brightest periods of English literature. It was no mean distinction to be conspicuous in the age of Burke and Johnson, of Hume and Smith, of Gray and Goldsmith, of Gibbon and Robertson, of Reynolds and Garrick. It was the fortune of Sir William Jones to have been the friend of the greater part of these illustrious men. Without him, the age in which he lived would have been inferior to past times in one kind of literary glory: he surpassed all his contemporaries, and perhaps even the most laborious scholars of the two former centuries, in extent and variety of attainment. His facility in acquiring was almost prodigious; and he possessed that faculty of arranging and communicating his knowledge which these laborious scholars very generally wanted. Erudition, which in them

was often disorderly and rugged, and had something of an illiberal and almost barbarous air, was by him presented to the world with all the elegance and amenity of polite literature. Though he seldom directed his mind to those subjects the successful investigation of which confers the name of a "philosopher," yet he possessed in a very eminent degree that habit of disposing his knowledge in regular and analytical order, which is one of the properties of a philosophical understanding. His talents as an elegant writer in verse were among his instruments for attaining knowledge, and a new example of the variety of his accomplishments. In his easy and flowing prose we justly admire that order of exposition and transparency of language, which are the most indispensable qualities of style, and the chief excellencies of which it is capable, when it is employed solely to instruct. His writings everywhere breathe pure taste in morals as well as in literature; and it may be said with truth, that not a single sentiment has escaped him which does not indicate the real elegance and dignity which pervaded the most secret recesses of his mind. He had lived, perhaps, too exclusively in the world of learning for the cultivation of his practical understanding. Other men have meditated more deeply on the constitution of society, and have taken more comprehensive views of its complicated relations and infinitely varied interests. Others have, therefore, often taught sounder principles of political science: but no man more warmly felt, and no author is better calculated to inspire, those generous sentiments of liberty, without which the most just principles are useless and lifeless, and which will, I trust, continue to flow through the channels of eloquence and poetry into the minds of British youth. It has, indeed, been somewhat lamented that he should have exclusively directed inquiry towards antiquities. But every man must be allowed to recommend most strongly his own favourite pursuits; and the chief difficulty as well as

the chief merit is his, who first raises the minds of men to the love of any part of knowledge. When mental activity is once roused, its direction is easily changed; and the excesses of one writer, if they are not checked by public reason, are compensated by the opposite ones of his successor. "Whatever withdraws us from the dominion of the senses,—whatever makes the past, the distant, and the future, predominate over the present, advances us in the dignity of thinking beings."*

It is not for me to attempt an estimate of those exertions for the advancement of knowledge which have arisen from the example and exhortations of Sir William Jones. In all judgments pronounced on our contemporaries it is so certain that we shall be accused, and so probable that we may be justly accused, of either partially bestowing, or invidiously withholding praise, that it is in general better to attempt no encroachment on the jurisdiction of Time, which alone impartially and justly estimates the works of men. But it would be unpardonable not to speak of the College at Calcutta, the original plan of which was doubtless the most magnificent attempt ever made for the promotion of learning in the East. I am not conscious that I am biassed either by personal feelings or literary prejudices when I say, that I consider that original plan as a wise and noble proposition, the adoption of which in its full extent would have had the happiest tendency in securing the good government of India, as well as in promoting the interest of science. Even in its present mutilated state we have seen, at the last public exhibition, Sanscrit declamation by English youth †;—a circumstance so extraordinary, that, if it be followed by suitable advances, it will mark an epoch in the history of learning.

Among the humblest fruits of this spirit I take the

* Dr. Johnson at Iona. — Ed.

† It must be remembered that this was written in 1804. — Ed.

liberty to mention the project of forming this Society, which occurred to me before I left England, but which never could have advanced even to its present state without your hearty concurrence, and which must depend on your active co-operation for all hopes of future success.

You will not suspect me of presuming to dictate the nature and object of our common exertions. To be valuable they must be spontaneous; and no literary society can subsist on any other principle than that of equality. In the observations which I shall make on the plan and subject of our inquiries, I shall offer myself to you only as the representative of the curiosity of Europe. I am ambitious of no higher office than that of faithfully conveying to India the desires and wants of the learned at home, and of stating the subjects on which they wish and expect satisfaction, from inquiries which can be pursued only in India.

In fulfilling the duties of this mission, I shall not be expected to exhaust so vast a subject; nor is it necessary that I should attempt an exact distribution of science. A very general sketch is all that I can promise; in which I shall pass over many subjects rapidly, and dwell only on those parts on which from my own habits of study I may think myself least disqualified to offer useful suggestions.

The objects of these inquiries, as of all human knowledge, are reducible to two classes, which, for want of more significant and precise terms, we must be content to call "Physical" and "Moral,"—aware of the laxity and ambiguity of these words, but not affecting a greater degree of exactness than is necessary for our immediate purpose.

The physical sciences afford so easy and pleasing an amusement; they are so directly subservient to the useful arts; and in their higher forms they so much delight our imagination and flatter our pride, by the display of the authority of man over nature, that there can be no need of arguments to prove their utility,

and no want of powerful and obvious motives to dispose men to their cultivation. The whole extensive and beautiful science of Natural History, which is the foundation of all physical knowledge, has many additional charms in a country where so many treasures must still be unexplored.

The science of Mineralogy, which has been of late years cultivated with great activity in Europe, has such a palpable connexion with the useful arts of life, that it cannot be necessary to recommend it to the attention of the intelligent and curious. India is a country which I believe no mineralogist has yet examined, and which would doubtless amply repay the labour of the first scientific adventurers who explore it. The discovery of new sources of wealth would probably be the result of such an investigation; and something might perhaps be contributed towards the accomplishment of the ambitious projects of those philosophers, who from the arrangement of earths and minerals have been bold enough to form conjectures respecting the general laws which have governed the past revolutions of our planet, and which preserve its parts in their present order.

The Botany of India has been less neglected, but it cannot be exhausted. The higher parts of the science, the structure, the functions, the habits of vegetables, —all subjects intimately connected with the first of physical sciences, though, unfortunately, the most dark and difficult, the philosophy of life,—have in general been too much sacrificed to objects of value, indeed, but of a value far inferior: and professed botanists have usually contented themselves with observing enough of plants to give them a name in their scientific language, and a place in their artificial arrangement.

Much information also remains to be gleaned on that part of natural history which regards Animals. The manners of many tropical races must have been imperfectly observed in a few individuals separated

from their fellows, and imprisoned in the unfriendly climate of Europe.

The variations of temperature, the state of the atmosphere, all the appearances that are comprehended under the words "weather" and "climate," are the conceivable subject of a science of which no rudiments yet exist. It will probably require the observations of centuries to lay the foundations of theory on this subject. There can scarce be any region of the world more favourably circumstanced for observation than India; for there is none in which the operation of these causes is more regular, more powerful, or more immediately discoverable in their effect on vegetable and animal nature. Those philosophers who have denied the influence of climate on the human character were not inhabitants of a tropical country.

To the members of the learned profession of medicine, who are necessarily spread over every part of India, all the above inquiries peculiarly, though not exclusively, belong. Some of them are eminent for science; many must be well-informed; and their professional education must have given to all some tincture of physical knowledge. With even moderate preliminary acquirements they may be very useful, if they will but consider themselves as philosophical collectors, whose duty it is never to neglect a favourable opportunity for observations on weather and climate, to keep exact journals of whatever they observe, and to transmit, through their immediate superiors, to the scientific depositories of Great Britain, specimens of every mineral, vegetable, or animal production which they conceive to be singular, or with respect to which they suppose themselves to have observed any new and important facts. If their previous studies have been imperfect, they will, no doubt, be sometimes mistaken: but these mistakes are perfectly harmless. It is better that ten useless specimens should be sent to London, than that one curious one should be neglected.

But it is on another and a still more important subject that we expect the most valuable assistance from our medical associates:—this is, the science of Medicine itself. It must be allowed not to be quite so certain as it is important. But though every man ventures to scoff at its uncertainty as long as he is in vigorous health, yet the hardiest sceptic becomes credulous as soon as his head is fixed to the pillow. Those who examine the history of medicine without either scepticism or blind admiration, will find that every civilised age, after all the fluctuations of systems, opinions, and modes of practice, has at length left some balance, however small, of new truth to the succeeding generation; and that the stock of human knowledge in this as well as in other departments is constantly, though, it must be owned, very slowly, increasing. Since my arrival here, I have had sufficient reason to believe that the practitioners of medicine in India are not unworthy of their enlightened and benevolent profession. From them, therefore, I hope the public may derive, through the medium of this Society, information of the highest value. Diseases and modes of cure unknown to European physicians may be disclosed to them; and if the causes of disease are more active in this country than in England, remedies are employed and diseases subdued, at least in some cases, with a certainty which might excite the wonder of the most successful practitioners in Europe. By full and faithful narratives of their modes of treatment they will conquer that distrust of new plans of cure, and that incredulity respecting whatever is uncommon, which sometimes prevail among our English physicians; which are the natural result of much experience and many disappointments; and which, though individuals have often just reason to complain of their indiscriminate application, are not ultimately injurious to the progress of the medical art. They never finally prevent the adoption of just theory or of useful practice: they retard it no longer

than is necessary for such a severe trial as precludes all future doubt. Even in their excess, they are wholesome correctives of the opposite excesses of credulity and dogmatism; they are safeguards against exaggeration and quackery; they are tests of utility and truth. A philosophical physician, who is a real lover of his art, ought not, therefore, to desire the extinction of these dispositions, though he may suffer temporary injustice from their influence.

Those objects of our inquiries which I have called "Moral" (employing that term in the sense in which it is contradistinguished from "Physical") will chiefly comprehend the past and present condition of the inhabitants of the vast country which surrounds us.

To begin with their present condition:—I take the liberty of very earnestly recommending a kind of research, which has hitherto been either neglected or only carried on for the information of Government,—I mean the investigation of those facts which are the subjects of political arithmetic and statistics, and which are a part of the foundation of the science of Political economy. The numbers of the people; the number of births, marriages, and deaths; the proportion of children who are reared to maturity; the distribution of the people according to their occupations and castes, and especially according to the great division of agricultural and manufacturing; and the relative state of these circumstances at different periods, which can only be ascertained by permanent tables,—are the basis of this important part of knowledge. No tables of political arithmetic have yet been made public from any tropical country. I need not expatiate on the importance of the information which such tables would be likely to afford. I shall mention only as an example of their value, that they must lead to a decisive solution of the problems with respect to the influence of polygamy on population, and the supposed origin of that practice in the disproportioned number of the sexes. But in a country where every part of

the system of manners and institutions differs from those of Europe, it is impossible to foresee the extent and variety of the new results which an accurate survey might present to us.

These inquiries are naturally followed by those which regard the subsistence of the people; the origin and distribution of public wealth; the wages of every kind of labour, from the rudest to the most refined; the price of commodities, and especially of provisions, which necessarily regulates that of all others; the modes of the tenure and occupation of land; the profits of trade; the usual and extraordinary rates of interest, which is the price paid for the hire of money; the nature and extent of domestic commerce, everywhere the greatest and most profitable, though the most difficult to be ascertained; those of foreign traffic, more easy to be determined by the accounts of exports and imports; the contributions by which the expenses of government, of charitable, learned, and religious foundations are defrayed; the laws and customs which regulate all these great objects, and the fluctuation which has been observed in all or any of them at different times and under different circumstances. These are some of the points towards which I should very earnestly wish to direct the curiosity of our intelligent countrymen in India.

These inquiries have the advantage of being easy and open to all men of good sense. They do not, like antiquarian and philological researches, require great previous erudition and constant reference to extensive libraries. They require nothing but a resolution to observe facts attentively, and to relate them accurately; and whoever feels a disposition to ascend from facts to principles will, in general, find sufficient aid to his understanding in the great work of Dr. Smith, — the most permanent monument of philosophical genius which our nation has produced in the present age.

They have the further advantage of being closely

and intimately connected with the professional pursuits and public duties of every Englishman who fills a civil office in this country: they form the very science of administration. One of the first requisites to the right administration of a district is the knowledge of its population, industry, and wealth. A magistrate ought to know the condition of the country which he superintends; a collector ought to understand its revenue; a commercial resident ought to be thoroughly acquainted with its commerce. We only desire that part of the knowledge which they ought to possess should be communicated to the world.*

[* "The English in India are too familiar with that country to feel much wonder in most parts of it, and are too transiently connected with it to take a national interest in its minute description. To these obstacles must be opposed both a sense of duty and a prospect of reputation. The servants of the Company would qualify themselves for the performance of their public duties, by collecting the most minute accounts of the districts which they administer. The publication of such accounts must often distinguish the individuals, and always do credit to the meritorious body of which they are a part. Even the most diffident magistrate or collector might enlarge or correct the articles relating to his district and neighbourhood, in the lately published Gazetteer of India; and, by the communication of such materials, the very laudable and valuable essay of Mr. Hamilton might, in successive editions, grow into a complete system of Indian topography. . . . . Meritorious publications by servants of the East India Company have, in our opinion, peculiar claims to liberal commendation. The price which Great Britain pays to the inhabitants of India for her dominion, is the security that their government shall be administered by a class of respectable men. In fact, they are governed by a greater proportion of sensible and honest men, than could fall to their lot under the government of their own or of any other nation. Without this superiority, and the securities which exist for its continuance, in the condition of the persons, in their now excellent education, in their general respect for the public opinion of a free country, in the protection afforded, and the restraint imposed by the press and by Parliament, all regulations for the administration of India would be nugatory, and the wisest system of laws would be no more than waste paper. The means of executing the laws are in the character of the administrators. To keep that character pure, they

I will not pretend to affirm that no part of this knowledge ought to be confined to Government. I am not so intoxicated by philosophical prejudice as to maintain that the safety of a state is to be endangered for the gratification of scientific curiosity. Though I am far from thinking that this is the department in which secrecy is most useful, yet I do not presume to exclude it. But let it be remembered, that whatever

must be taught to respect themselves; and they ought to feel that, distant as they are, they will be applauded and protected by their country, when they deserve commendation, or require defence. Their public is remote, and ought to make some compensation for distance by promptitude and zeal. The principal object for which the East India Company exists in the newly modified system [of 1813 — ED.] is to provide a safe body of electors to Indian offices. Both in the original appointments, and in subsequent preferment, it was thought that there was no medium between preserving their power, or transferring the patronage to the Crown. Upon the whole, it cannot be denied that they are tolerably well adapted to perform these functions. They are sufficiently numerous and connected with the more respectable classes of the community, to exempt their patronage from the direct influence of the Crown, and to spread their choice so widely, as to afford a reasonable probability of sufficient personal merit. Much — perhaps enough — has been done by legal regulations, to guard preferment from great abuse. Perhaps, indeed, the spirit of activity and emulation may have been weakened by precautions against the operation of personal favour. But this is, no doubt, the safe error. The Company, and indeed any branch of the Indian administration in Europe, can do little directly for India: they are far too distant for much direct administration. The great duty which they have to perform, is to control their servants and to punish delinquency in deeds; but — as the chief principle of their administration — to guard the privileges of these servants, to maintain their dignity, to encourage their merits, to animate those principles of self respect and honourable ambition, which are the true securities of honest and effectual service to the public. In every government, the character of the subordinate officers is of great moment; but the privileges, the character and the importance of the civil and military establishments, are, in the last result, the only conceivable security for the preservation and good government of India." — *Edinburgh Review*, vol. XXV. p. 435. — ED.]

information is thus confined to a Government may, for all purposes of science, be supposed not to exist. As long as the secrecy is thought important, it is of course shut up from most of those who could turn it to best account; and when it ceases to be guarded with jealousy, it is as effectually secured from all useful examination by the mass of official lumber under which it is usually buried: for this reason, after a very short time, it is as much lost to the Government itself as it is to the public. A transient curiosity, or the necessity of illustrating some temporary matter, may induce a public officer to dig for knowledge under the heaps of rubbish that encumber his office; but I have myself known intelligent public officers content themselves with the very inferior information contained in printed books, while their shelves groaned under the weight of MSS., which would be more instructive if they could be read. Further, it must be observed, that publication is always the best security to a Government that they are not deceived by the reports of their servants; and where these servants act at a distance the importance of such a security for their veracity is very great. For the truth of a manuscript report they never can have a better warrant than the honesty of one servant who prepares it, and of another who examines it; but for the truth of all long-uncontested narrations of important facts in printed accounts, published in countries where they may be contradicted, we have the silent testimony of every man who might be prompted by interest, prejudice, or humour, to dispute them if they were not true.

I have already said that all communications merely made to Government are lost to science; while, on the other hand, perhaps, the knowledge communicated to the public is that of which a Government may most easily avail itself, and on which it may most securely rely. This loss to science is very great; for the principles of political economy have been investigated in Europe, and the application of them to such a country

as India must be one of the most curious tests which could be contrived of their truth and universal operation. Every thing here is new; and if they are found here also to be the true principles of natural subsistence and wealth, it will be no longer possible to dispute that they are the general laws which every where govern this important part of the movements of the social machine.

It has been lately observed, that "if the various states of Europe kept and published annually an exact account of their population, noting carefully in a second column the exact age at which the children die, this second column would show the relative merit of the governments and the comparative happiness of their subjects. A simple arithmetical statement would then, perhaps, be more conclusive than all the arguments which could be produced." I agree with the ingenious writers who have suggested this idea, and I think it must appear perfectly evident that the number of children reared to maturity must be among the tests of the happiness of a society, though the number of children born cannot be so considered, and is often the companion and one of the causes of public misery. It may be affirmed, without the risk of exaggeration, that every accurate comparison of the state of different countries at the same time, or of the same country at different times, is an approach to that state of things in which the manifest palpable interest of every Government will be the prosperity of its subjects, which never has been, and which never will be, advanced by any other means than those of humanity and justice. The prevalence of justice would not indeed be universally ensured by such a conviction; for bad governments, as well as bad men, as often act against their own obvious interest as against that of others: but the chances of tyranny must be diminished when tyrants are compelled to see that it is folly. In the mean time, the ascertainment of every new fact, the discovery of every new principle, and even the

diffusion of principles known before, add to that great body of slowly and reasonably formed public opinion, which, however weak at first, must at last, with a gentle and scarcely sensible coercion, compel every Government to pursue its own real interest. This knowledge is a control on subordinate agents for Government, as well as a control on Government for their subjects: and it is one of those which has not the slightest tendency to produce tumult or convulsion. On the contrary, nothing more clearly evinces the necessity of that firm protecting power by which alone order can be secured. The security of the governed cannot exist without the security of the governors.

Lastly, of all kinds of knowledge, Political Economy has the greatest tendency to promote quiet and safe improvement in the general condition of mankind; because it shows that improvement is the interest of the Government, and that stability is the interest of the people. The extraordinary and unfortunate events of our times have indeed damped the sanguine hopes of good men, and filled them with doubt and fear: but in all possible cases the counsels of this science are at least safe. They are adapted to all forms of government: they require only a wise and just administration. They require, as the first principle of all prosperity, that perfect security of persons and property which can only exist where the supreme authority is stable.

On these principles, nothing can be a means of improvement which is not also a means of preservation. It is not only absurd, but contradictory, to speak of sacrificing the present generation for the sake of posterity. The moral order of the world is not so disposed. It is impossible to promote the interest of future generations by any measures injurious to the present; and he who labours industriously to promote the honour, the safety, and the prosperity of his own country, by innocent and lawful means, may be as-

sured that he is contributing, probably as much as the order of nature will permit a private individual, towards the welfare of all mankind.

These hopes of improvement have survived in my breast all the calamities of our European world, and are not extinguished by that general condition of national insecurity which is the most formidable enemy of improvement. Founded on such principles, they are at least perfectly innocent: they are such as, even if they were visionary, an admirer or cultivator of letters ought to be pardoned for cherishing. Without them, literature and philosophy can claim no more than the highest rank among the amusements and ornaments of human life. With these hopes, they assume the dignity of being part of that discipline under which the race of man is destined to proceed to the highest degree of civilisation, virtue, and happiness, of which our nature is capable.

On a future occasion I may have the honour to lay before you my thoughts on the principal objects of inquiry in the geography, ancient and modern, the languages, the literature, the necessary and elegant arts, the religion, the authentic history and the antiquities of India; and on the mode in which such inquiries appear to me most likely to be conducted with success.

END OF THE SECOND VOLUME.

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